FOOD AND DRUGS ACT

NOTICES OF JUDGMENT Nos. 3501-4000

UNITED STATES
DEPARTMENT OF AGRICULTURE

S. R. A.—Chem. Suppl. 1. Issued April 3, 1915.

U. S. DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY.
C. L. ALSBERG, Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.[1]

SUPPLEMENT.

N. J. 3501-3550.

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

3501. Adulteration and misbranding of so-called soluble orange extract and oil of cassia, and alleged adulteration and misbranding of extract of anise. U. S. v. Warner-Jenkinson Co. Plea of guilty as to charges relating to so-called soluble orange extract and oil of cassia. First and second counts of information, charging adulteration and misbranding of extract of anise, dismissed. (F. & D. No. 4448. I. S. Nos. 16560-d, 16566-d, 16577-d.)

On December 11, 1913, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information, in six counts, against the Warner-Jenkinson Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 8, 1912, from the State of Missouri into the State of Tennessee:

(1) Of a quantity of so-called extract of anise which was alleged to have been adulterated and misbranded. This product was labeled: "Ext. of Anise From Warner-Jenkinson Co., St. Louis, Mo."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results:

Oil (grams per 100 cc)	0.20
Alcohol (per cent by volume)	43.7

Methyl alcohol: None.

Adulteration of this product was alleged in the first count of the information for the reason that a dilute alcohol, containing only a trace of anise oil, had been mixed

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and packed with said product in such a manner as to reduce and lower and injuriously affect its quality and strength, and, further, in that a substance, to wit, dilute alcohol, containing only a trace of anise oil, had been substituted wholly or in large part for the genuine article, that is to say, anise extract, said anise extract, as understood by the trade and public generally, being the flavoring extract prepared from the oil of anise and containing not less than 3 per cent by volume of oil of anise, and said product contained materially less than 3 per cent by volume of oil of anise.

Misbranding was alleged in the second count of the information for the reason that extract of anise, as understood by the trade and the public generally, is the flavoring extract prepared from oil of anise and contains not less than 3 per cent by volume of oil of anise, and the statement "Ext. of Anise" borne on the label was false and misleading, because it created the impression that said product was a genuine extract of anise, conforming to the standard for such articles, when, in truth and in fact, said product was a dilute alcohol, containing only a trace of oil of anise, and, further, in that the product was labeled and branded as aforesaid so as to deceive and mislead the purchaser, being labeled "Ext. of Anise," thereby purporting that it was genuine extract of anise, conforming to said standard for such article and product, when, in truth and in fact, it was dilute alcohol, containing only a small trace of anise oil and a materially less amount than 3 per cent by volume.

(2) Of a quantity of so-called soluble orange extract which was adulterated and misbranded. This product was labeled: "Soluble Orange Extract" (In smaller type) "Artificial Color added—Directions * * * Guaranteed by the manufacturer, under Food and Drugs Act of June 30th, 1906. Serial No. 2008. From Warner-Jenkinson Co. St. Louis, Mo."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Alcohol (per cent)	40.3
Methyl alcohol: None.	
Color: Orange I.	
Oil (by precipitation): None.	
Oil (by polarization): None.	
Citral (Hiltner) (per cent)	0.02

Adulteration of the product was alleged in the third count of the information for the reason that a substance, to wit, a dilute solution of alcohol, containing only traces, if any, of soluble material from orange oil, had been mixed and packed with it in such a manner as to reduce and lower and injuriously affect its quality and strength, and, further, in that a substance, to wit, a dilute solution of alcohol, containing only traces, if any, of soluble material from orange oil, had been substituted wholly or in large part for the genuine article, and, further, in that said product was colored in a manner whereby its inferiority was concealed.

Misbranding was alleged in the fourth count of the information for the reason that the statement "Soluble Orange Extract," borne on the label as aforesaid, was false and misleading, because it misled and deceived the purchaser into believing that said product was a soluble orange extract, when, as a matter of fact, it was a dilute solution of alcohol, artificially colored, containing only traces, if any, of soluble material from orange oil; and said product was further misbranded within the meaning of said act in that it was labeled and branded so as to mislead and deceive the purchaser, being labeled "Soluble Orange Extract," when, in truth and in fact, said product was a dilute solution of alcohol, artificially colored, containing only traces, if any, of soluble material from orange oil.

(3) Of a quantity of so-called oil of cassia which was adulterated and misbranded. This product was labeled: "Oil of Cassia (L G) Warner-Jenkinson Co., St. Louis, Mo."

Analysis of a sample of the product by said Bureau of Chemistry showed the following results:

Specific gravity at 25° C	1.063
Refractive index at 20° C	1.5996
Optical rotation, 100 mm, 20° C. (degrees)	+4.16

Slightly cloudy with 2 volumes of 70 per cent alcohol.
Lead: Present.
Rosin: Present. (Lead acetate test positive; copper acetate test positive.)

Cinnamic aldehyde (by absorption) (per cent)	76.0

Oil is not U. S. P. Contains lead and rosin.

Adulteration of the product was alleged in the fifth count of the information for the reason that it was sold and shipped under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia official at the time of shipment and of investigation, in that said Pharmacopœia specifies that oil of cassia is a volatile oil, distilled from Cassia Cinnamon, yielding, when assayed by the process given in said Pharmacopœia, not less than 75 per cent by volume of cinnamic aldehyde; that its specific gravity should be from 1.045 to 1.055 at 25° C.; that it should be optically almost negative [inactive] and that it should be free from lead and rosin; whereas said product when so sold and shipped had a specific gravity at 25° C. of 1.063[6]; refractive index [at] 20° C., 1.5996; rotation at 20° C., 4.16 degrees; cinnamic aldehyde by absorption, 76 degrees [per cent]; and contained lead and rosin; and its own standard of strength, quality, and purity was not stated on said bottle in which it was offered for sale and shipped.

Misbranding was alleged in the sixth count of the information for the reason that said statement "Oil of Cassia," so borne on the label as aforesaid, was false and misleading, because it misled and deceived the purchaser into the belief that the product was pure oil of cassia, when, in truth and in fact, it was an oil of cassia high in specific gravity and rotation, and contained lead and rosin.

On September 18, 1914, pleas of guilty were entered by the defendant corporation as to the third, fourth, fifth, and sixth counts of the information, charging adulteration and misbranding of the soluble orange extract and oil of cassia, and the court imposed a fine of $40. The first and second counts of the information, charging adulteration and misbranding of extract of anise, were dismissed.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *December 31, 1914.*

3502. Adulteration and misbranding of alleged olive oil. U. S. v. Paolo Manganelli. Plea of guilty. Fine, $25. (F. & D. No. 4704. I. S. No. 15374-d.)

At the April, 1914, term of the District Court of the United States for the Southern District of New York the jurors of the United States within and for the said district, after presentment by the United States attorney for said district, upon a report by the Secretary of Agriculture, returned an indictment against Paolo Manganelli, New York, N. Y., charging shipment by said defendant, in violation of the Food and Drugs Act, on March 14, 1912, from the State of New York into the State of Massachusetts, of a quantity of alleged olive oil which was adulterated and misbranded. The product was labeled "Lucca Oliv Oil—Compounded with Cottonseed Oil—Extra Quality (Trade mark—Woman bearing olive branch) Imported and Packed By."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Specific gravity at 15.5° C	0.9202
Refractive index	1.4740
Iodin number	109.7
Free fatty acids, as oleic (per cent)	0.14
Halphen test: Strong.	
Cottonseed oil: Present.	
Villavecchia test: Negative.	
Sesame oil: None.	

The specific gravity, refractive index, and iodin number are all above the range for the constants of olive oil and are within the limits for cottonseed oil.

The Halphen test positively shows cottonseed oil to be present in large amount.

Adulteration of the product was charged in the indictment for the reason that a substance, to wit, cottonseed oil, had been mixed and packed with the article aforesaid, so as to reduce and lower and injuriously affect its quality and strength and for the further reason that a substance, to wit, a mixture of olive oil and cottonseed oil, had been substituted in part for the pure olive oil which the article purported to be.

Misbranding was charged for the reason that the statement "Lucca Oliv Oil * * * Imported and Packed By," appearing on the label in prominent type, was false and misleading, in that it conveyed the impression that the product was imported olive oil, whereas, in truth and in fact, it was a mixture of olive oil and cottonseed oil of domestic production, and, further, in that the false impression created by the statement aforesaid was not sufficiently corrected by the words "Compounded with Cottonseed Oil," appearing in smaller type on the label aforesaid. Misbranding was charged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Lucca Oliv Oil * * * Imported and Packed By," thereby creating the impression that the product was the pure olive oil, whereas, in truth and in fact, it was not pure olive oil, but was a mixture of olive oil and cottonseed oil. Misbranding was charged for the further reason that the product purported to be a foreign product, being labeled "Lucca Oliv Oil * * * Imported and Packed By," thereby creating the impression that it was a foreign product, to wit, that it came from Italy, whereas, in truth and in fact, it was not a foreign product, nor did it come from Italy, but it was an article of domestic production.

On July 15, 1914, the defendant entered a plea of guilty to the indictment and the court imposed a fine of $25.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *December 31, 1914.*

3503. Adulteration and misbranding of alleged olive oil. U. S. v. Paolo Manganelli. Plea of guilty. Fine, $25. (F. & D. No. 4720. I. S. No. 15373-d.)

At the April, 1914, term of the District Court of the United States for the Southern District of New York, the jurors of the United States within and for the said district, after presentment by the United States attorney for said district, upon a report by the Secretary of Agriculture, returned an indictment against Paolo Manganelli, New York, N. Y., charging shipment by said defendant, in violation of the Food and Drugs Act, on March 14, 1912, from the State of New York into the State of Massachusetts, of a quantity of alleged olive oil which was adulterated and misbranded. The product was labeled: "La Regina del'Olio-Lucca" (Trade-mark picture of woman).

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Iodin number	111.8
Specific gravity, at 15.5° C	0.9202
Refractive index, at 15.5° C	1.4740
Free acids, as oleic (per cent)	0.11

Halphen test for cottonseed oil: Strong.

Sesame oil: None.

The specific gravity, refractive index, and iodin number are all above the upper limits for olive oil, and are within the limits for the constants of pure cottonseed oil. The Halphen test positively shows the presence of a large amount of cottonseed oil.

Adulteration of the product was charged in the indictment for the reason that a substance, to wit, cottonseed oil, had been substituted in part for the olive oil which the product purported to be, and for the further reason that a substance, to wit, cottonseed oil, had been mixed and packed with the article aforesaid so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was charged for the reason that the statement "La Regina del'Olio-Lucca," appearing on the label, was false and misleading in that it conveyed the impression that the article consisted of olive oil, whereas, in truth and in fact, it did not consist of olive oil, but was a mixture of olive oil and cottonseed oil. Misbranding was charged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "La Regina del'Olio-Lucca," thereby creating the impression that it was pure olive oil, whereas, in truth and fact, the said article was not pure olive oil, but was a mixture of olive oil and cottonseed oil. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "La Regina del'Olio-Lucca," thereby creating the impression that it was a foreign product, to wit, that it came from Italy, whereas, in truth and in fact, it was not a foreign article, but was an article of domestic production.

On July 15, 1914, the defendant entered a plea of guilty to the indictment and the court imposed a fine of $25.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *December 31, 1914.*

3504. Adulteration and misbranding of so-called peach brandy. U. S. v. Pure Food Distilling Co. Plea of guilty. Fine, $50 and costs. (F. & D. No. 4814. I. S. No. 17381-d.)

On December 11, 1913, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Pure Food Distilling Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 15, 1912, from the State of Missouri into the State of Illinois, of a quantity of so-called peach brandy which was adulterated and misbranded. The product was labeled: (Main label) "Family Trade Peach A Compound Absolutely Pure Highest Quality Pure Food Distilling Co. St. Louis, Missouri." (On seal over cork) "Absolutely Pure Pure Food Distilling Company. Guaranteed under the National Pure Food Law June 30, 1906."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Solids (grams per 100 liters of absolute alcohol)	177.1
Esters as ethyl acetate (grams per 100 liters of absolute alcohol)	50.3
Alcohol (per cent by volume)	35.27
Volatile acid, as acetic (grams per 100 liters of absolute alcohol)	13.7
Color: Caramel.	
Odor on evaporation, peach.	
Total acid as acetic (grams per 100 liters of absolute alcohol)	34.3
Fusel oil (grams per 100 liters, 100 proof alcohol)	38.7

Adulteration of the product was alleged in the information for the reason that a substance—that is to say, water—had been mixed and packed with said product so as to reduce and lower and injuriously affect its quality and strength; and, further, in that water had been substituted wholly or in large part for the genuine article, to wit, peach brandy. Misbranding was alleged for the reason that the said statement "Family Trade Peach," so borne on the label as aforesaid, was false and misleading because it conveyed the impression that said product was peach brandy, when, in truth and in fact, said product was not peach brandy, but was a mixture or compound of peach brandy, water, and alcohol, and was colored with caramel; and said statement "A Compound," which also appeared on said label, was in small and inconspicuous type and was insufficient to correct and overcome the false impression created by the remainder of said label; and said product was further misbranded in that it was labeled and branded so as to deceive and mislead the purchaser, being labeled "Family Trade Peach," thereby creating the impression that said product was peach brandy, whereas, in truth and in fact, said product was not peach brandy but was a mixture of peach brandy, water, and alcohol, which had been colored with caramel; and said statement "A Compound," which also appeared on said label, was in small and inconspicuous type and was insufficient to correct and overcome the false impression created by the remainder of said label; and said product was further misbranded in that it was a mixture or compound of peach brandy, water, and alcohol, which had been colored with caramel and was an imitation of and offered for sale under the distinctive name of another article, to wit, peach brandy; and said product was further misbranded in that it was a compound but was not labeled so as to plainly indicate that it was a compound, the said statement "A Compound," so appearing on said label, being in small and inconspicuous type.

On July 7, 1914, the defendant company entered a plea of guilty to the information and the court imposed a fine of $50 and costs.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *December 31, 1914.*

3505. Adulteration and misbranding of alleged olive oil. U. S. v. Vito Viviano et al. (V. Viviano & Bros.) Plea of guilty. Fine, $50 and costs. (F. & D. No. 4856. I. S. No. 19339-d.)

On December 11, 1913, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Vito Viviano, Pietro Viviano, Gaetano Viviano, and Salvatore Viviano, doing business under and by the name and style of V. Viviano & Bros., St. Louis, Mo., alleging shipment by said defendant firm, in violation of the Food and Drugs Act, on or about February 29, 1912, from the State of Missouri into the State of Iowa, of a quantity of alleged olive oil which was adulterated and misbranded. The product was labeled: "Olio Sopraffino Per in Salata. Mark Berico. Pure Salad Oil (Mark Berico, Trade Mark) Prepared and guaranteed by Viviano & Bros., St. Louis, Mo. under the Food & Drugs Act, June 30, 1906."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Specific gravity at 15.6° C	0.9205
Index of refraction at 25° C	1.4741
Iodin number	111
Halphen test: Strongly positive.	

Adulteration of the product was alleged in the information for the reason that the can was labeled as aforesaid, in imitation of a well-known brand of Italian olive oil produced by Philip Berico & Co., at Lucca, in Italy, and a substance, to wit, cottonseed oil, had been substituted wholly or in large part for Italian olive oil which said article purported to be. Misbranding was alleged for the reason that the statement, "Olio Sopraffino Per in Salata. Mark Berico. Pure Salad Oil," when taken in connection with the trade-mark and medals borne on the label, was false and misleading because it created the impression that the product was pure olive oil of Italian origin, when, in truth and in fact, said product was cottonseed oil; and said product was further misbranded in that it was labeled and branded so as to mislead and deceive the purchaser, being labeled, "Olio Sopraffino Per in Salata. Mark Berico. Pure Salad Oil," with pictures of medals, thereby creating the impression that said product was pure olive oil of Italian origin, when, in truth and in fact, it was domestic cottonseed oil; and said product was further misbranded in that it was labeled and branded so as to mislead and deceive the purchaser for the reason that the general style and appearance of the labels on said can, taken in connection with the words "Mark Berico," the trade-mark and picture of medals, were such as to convey the impression that said product was a well-known Italian oil produced by Philip Berico & Co., at Lucca, in Italy, whereas, in truth and in fact, said product was domestic cottonseed oil, labeled and branded in imitation of such olive oil.

On July 8, 1914, a plea of guilty was entered on behalf of the defendant firm, and the court imposed a fine of $50 and costs.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *December 31, 1914.*

3506. Adulteration and misbranding of so-called apple brandy. U. S. v. Pure Food Distilling Co. Plea of guilty. Fine, $50 and costs. (F. & D. No. 4862. I. S. No. 18843-d.)

On April 21, 1914, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Pure Food Distilling Co., a corporation, St. Louis, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 12, 1912, from the State of Missouri into the State of Tennessee, of a quantity of so-called apple brandy which was adulterated and misbranded. The product was labeled: "Family Trade Apple Brandy Compounded with pure grain distillates Artificially colored and flavored Pure Food Distilling Co., St. Louis, Mo." (Strip label over cork) "Absolutely Pure Aged in U. S. Bonded Warehouse."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Extract (grams per 100 cc)	0.55
Alcohol (per cent by volume)	37.08
Aldehydes (grams per 100 liters, 100 proof alcohol)	1.2
Fusel oil (grams per 100 liters, 100 proof alcohol)	20.2
Ash (grams per 100 cc)	0.014
Furfural (grams per 100 liters, 100 proof alcohol)	0.40
Total acids as acetic (grams per 100 liters, 100 proof alcohol)	22.7
Volatile acids as acetic (grams per 100 liters, 100 proof alcohol)	8.0
Esters as ethyl acetate (grams per 100 liters, 100 proof alcohol)	21.4
Color insoluble in amyl alcohol (per cent)	90

Adulteration of the product was alleged in the information for the reason that water and neutral spirits from a source other than the apple, which had been artificially colored and flavored, had been mixed and packed with said product in such a manner as to reduce and lower and injuriously affect its quality and strength, and, further, in that water and neutral spirits from a source other than the apple, artificially colored and flavored, had been substituted wholly or in large part for the apple brandy which the said product purported to be; and, further, in that said product was mixed with water and neutral spirits from a source other than the apple, and with artificial coloring matter in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that the said statement "Apple Brandy," so borne upon the label, was false and misleading, because it conveyed the impression that said product was pure apple brandy, whereas, in truth and in fact, it was a product composed of water, neutral spirits from a source other than the apple, and artificial coloring matter; and the statement, "Compounded with pure grain distillates artificially colored and flavored," which also appeared on said label, was in small and inconspicuous type and was insufficient to correct the false impression conveyed by said statement "Apple Brandy;" and said product was further misbranded in that it was labeled and branded so as to mislead and deceive the purchaser, being labeled "Apple Brandy," which thereby created the impression that said product was pure apple brandy, when, in truth and in fact, it was not pure apple brandy, but was a mixture prepared from water and neutral spirits from a source other than the apple, artificially colored; and the statement, "Compounded with pure grain distillates artificially colored and flavored," which also appeared on said label, was in small and inconspicuous type and was not sufficient to correct the false impression created by the statement "Apple Brandy."

On July 7, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *December 31, 1914.*

3507. Adulteration and misbranding of alleged olive oil. U. S. v. Paolo Manganelli. Plea of guilty. Fine, $25. (F. & D. No. 4914. I. S. Nos. 15351-d, 15352-d.)

At the April, 1914, term of the District Court of the United States for the Southern District of New York, the jurors of the United States within and for the said district, after presentment by the United States attorney for said district, upon a report by the Secretary of Agriculture, returned an indictment against Paolo Manganelli, New York, N. Y., charging shipment by said defendant, in violation of the Food and Drugs Act, on June 25, 1912, from the State of New York into the State of Massachusetts, of a quantity of alleged olive oil which was adulterated and misbranded. Part of the product was labeled: "Olive Oil Specialty From Lucca (Trade mark—coat of arms) Lucca Olive Oil—G. A. Santoro Brand."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results:

Index of refraction at 25° C	1.4703
Iodin number (Hanus)	105.1
Halphen test for cottonseed oil: Positive.	

Another portion of the consignment was labeled: "Baron del Bosco (Trade mark—coat of arms) Italy—Extra Fine—Olive Oil—Guaranteed Absolutely Pure."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Cottonseed oil: Present.	
Sesame oil: Absent.	
Index of refraction at 15.5° C	1.4727
Specific gravity at 15.5° C	0.9245
Iodin number	104.9

Adulteration of the products was charged in the indictment for the reason that a substance, to wit, cottonseed oil, had been mixed and packed with the articles aforesaid, so as to reduce and lower and injuriously affect their quality and strength, and for the further reason that a substance, to wit, a mixture of olive oil and cottonseed oil, had been substituted in part for the pure olive oil which the articles purported to be.

Misbranding of the products was charged in the indictment for the reason that the statements "Olive Oil" and "Extra Fine Olive Oil," respectively, appearing on the labels, were false and misleading in that they conveyed the impression that the article was pure olive oil, whereas, in truth and in fact, it was not pure olive oil, but was a mixture of olive oil and cottonseed oil. Misbranding was charged for the further reason that these products were labeled and branded so as to deceive and mislead the purchaser, being labeled "Olive Oil" and "Extra Fine Olive Oil," respectively, thereby creating the impression that the article was pure olive oil, whereas, in truth and in fact, it was not pure olive oil, but was a mixture of olive oil and cottonseed oil. Misbranding of the first sample of the product referred to was further charged in the indictment for the reason that it purported to be a foreign product, to wit, that it came from Italy, whereas, in truth and in fact, it was not a foreign product, nor did it come from Italy, but was an article of domestic production. Misbranding of the other sample of the product was further charged in the indictment for the reason that it purported to be a foreign product, being labeled "Baron del Bosco Italy Extra Fine Olive Oil," thereby creating the impression that the article was a foreign product, to wit, that it came from Italy, whereas, in truth and in fact, it was not a foreign product nor did it come from Italy, but it was an article of domestic production.

It was further charged in the indictment that on February 26, 1912, a criminal information was filed in the United States District Court for the Southern District of New York, charging said defendant with the violation of the Food and Drugs Act, and that on April 1, 1912, the defendant entered a plea of guilty to said information and was sentenced to pay a fine of $50.

On July 15, 1914, the defendant entered a plea of guilty to the indictment in the instant case and the court imposed a fine of $25.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *December 31, 1914.*

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3508. Adulteration and misbranding of alleged olive oil. U. S. v. Paolo Manganelli. Plea of guilty. Fine, $25. (F. & D. No. 4941. I. S. No. 2975-d.)

At the June, 1914, term of the District Court of the United States for the Southern District of New York the jurors of the United States within and for the said district, after presentment by the United States attorney for said district, upon a report by the Secretary of Agriculture, returned an indictment against Paolo Manganelli, New York, N. Y., charging shipment by said defendant, in violation of the Food and Drugs Act, on March 28, 1912, from the State of New York into the State of Rhode Island, of a quantity of alleged olive oil which was adulterated and misbranded. The product was labeled: "Tripoli Brand (Trade Mark—Girl holding Italian flag, followed by soldiers with Italian flag, standing upon map of Tripolitania) Olio Puro Italiano di Oliva."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Iodin number..... 105.1
Halphen test: Very strong.
Cottonseed oil, as shown by iodin number and Halphen test: Present to an extent of at least 90 per cent.

Adulteration of the product was charged in the indictment for the reason that a substance, to wit, cottonseed oil, had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that a substance, to wit, domestic cottonseed oil, had been substituted wholly or in part for Italian olive oil, which the article purported to be.

Misbranding was charged for the reason that the statement "Olio Puro Italiano di Oliva," appearing on the label aforesaid, regarding the article and the ingredients and substances therein contained, was false and misleading, in that it indicated that the article was genuine Italian olive oil, whereas, in truth and in fact, it was not genuine Italian olive oil, but was a mixture of olive oil and domestic cottonseed oil. Misbranding was charged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Olio Puro Italiano di Oliva," thereby indicating that the article was pure Italian olive oil, whereas, in truth and in fact, it was not pure Italian olive oil, but was a mixture of olive oil and domestic cottonseed oil.

Misbranding was charged for the further reason that the product purported to be a foreign product, namely, a product of Italy, whereas, in truth and in fact, it was not a foreign product, nor a product of Italy, but was a domestic product.

On July 15, 1914, the defendant entered a plea of guilty to the indictment and the court imposed a fine of $25.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *December 31, 1914.*

3509. Adulteration and misbranding of alleged olive oil. U. S. v. Paolo Manganelli. Plea of guilty. Fine, $25. (F. & D. No. 4953. I. S. No. 2978-d.)

At the June, 1914, term of the District Court of the United States for the Southern District of New York the jurors of the United States within and for the said district, after presentment by the United States attorney for said district, upon a report by the Secretary of Agriculture, returned an indictment against Paolo Manganelli, New York, N. Y., charging shipment by said defendant, in violation of the Food and Drugs Act, on March 11, 1912, from the State of New York into the State of Rhode Island, of a quantity of alleged olive oil which was adulterated and misbranded. The product was labeled: "Tripoli Brand (Trade Mark—Girl holding Italian flag, followed by soldiers with Italian flag, standing upon map of Tripolitania) Olio Puro Italiano di Oliva."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Iodin number..... 105.6
Halphen test: Very strong.
Cottonseed oil, as shown by iodin number and Halphen test: Present to an extent of at least 90 per cent.

Adulteration of the product was charged in the indictment for the reason that a substance, to wit, cottonseed oil, had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that a substance, to wit, domestic cottonseed oil, had been substituted wholly or in part for Italian olive oil, which said article purported to be.

Misbranding was charged for the reason that the statement "Olio Puro Italiano di Oliva," appearing on the label aforesaid, regarding the article and the ingredients and substances therein contained, was false and misleading, in that it indicated that the article was genuine Italian olive oil, whereas, in truth and in fact, it was not genuine Italian olive oil, but was a mixture of olive oil and domestic cottonseed oil. Misbranding was charged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Olio Puro Italiano di Oliva," thereby indicating that said article was pure Italian olive oil, whereas, in truth and in fact, it was not pure Italian olive oil, but was a mixture of olive oil and domestic cottonseed oil. Misbranding was charged for the further reason that the product purported to be a foreign product, to wit, a product of Italy, whereas, in truth and in fact, it was not a foreign product, nor a product of Italy, but was a domestic product.

On July 15, 1914, the defendant entered a plea of guilty to the indictment and the court imposed a fine of $25.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *December 31, 1914.*

3510. Adulteration and misbranding of alleged olive oil. U. S. v. Paolo Manganelli. Plea of guilty. Fine, $25. (F. & D. No. 4958. I. S. No. 2981-d.)

At the June, 1914, term of the District Court of the United States for the Southern District of New York the jurors of the United States within and for the said district, after presentment by the United States attorney for said district, upon a report by the Secretary of Agriculture, returned an indictment against Paolo Manganelli, New York, N. Y., charging shipment by said defendant, in violation of the Food and Drugs Act, on March 11, 1912, from the State of New York into the State of Rhode Island, of a quantity of alleged olive oil which was adulterated and misbranded. The product was labeled: "Tripoli Brand (Trade Mark—Girl holding Italian flag, followed by soldiers with Italian flag, standing upon map of Tripolitania) Olio Puro Italiano di Oliva."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Iodin number..... 105.3
Halphen test: Very strong.
Cottonseed oil, as shown by iodin number and Halphen test: Present to an extent of at least 90 per cent.

Adulteration of the product was charged in the indictment for the reason that a substance, to wit, cottonseed oil, had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that a substance, to wit, domestic cottonseed oil, had been substituted wholly or in part for Italian olive oil, which the article purported to be. Misbranding was charged for the reason that the statement, "Olio Puro Italiano di Oliva," appearing on the label aforesaid, regarding the article and the ingredients and substances therein contained, was false and misleading in that it indicated that said article was genuine Italian olive oil, whereas, in truth and in fact, it was not genuine Italian olive oil, but was a mixture of olive oil and domestic cottonseed oil. Misbranding was charged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Olio Puro Italiano di Oliva," thereby indicating that said article was pure Italian olive oil, whereas, in truth and in fact, it was not pure Italian olive oil, but was a mixture of olive oil and domestic cottonseed oil. Misbranding was charged for the further reason that the product purported to be a foreign product, namely, a product of Italy, whereas, in truth and in fact, it was not a foreign product nor a product of Italy, but was a domestic product.

On July 15, 1914, the defendant entered a plea of guilty to the indictment and the court imposed a fine of $25.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *December 31, 1914.*

3511. Adulteration and misbranding of alleged olive oil. U. S. v. Paolo Manganelli. Plea of guilty. Fine, $25. (F. & D. No. 4964. I. S. No. 2977-d.)

At the June, 1914, term of the District Court of the United States for the Southern District of New York the jurors of the United States within and for the said district, after presentment by the United States attorney for said district, upon a report by the Secretary of Agriculture, returned an indictment against Paolo Manganelli, New York, N. Y., charging shipment by said defendant, in violation of the Food and Drugs Act, on March 28, 1912, from the State of New York into the State of Rhode Island, of a quantity of alleged olive oil which was adulterated and misbranded. The product was labeled: "Tripoli Brand (Trade Mark—Girl holding Italian flag, followed by soldiers with Italian flag, standing upon map of Tripolitania) Olio Puro Italiano di Oliva."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Iodin number..... 104.8
Halphen test: Very strong.
Cottonseed oil, as shown by iodin number and Halphen test: Present to an extent of at least 90 per cent.

Adulteration of the product was charged in the indictment, for the reason that a substance, to wit, cottonseed oil, had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that a substance, to wit, domestic cottonseed oil, had been substituted wholly or in part for Italian olive oil, which the article purported to be. Misbranding was charged for the reason that the statement "Olio Puro Italiano di Oliva," appearing on the label aforesaid, regarding the article and the ingredients and substances therein contained, was false and misleading, in that it indicated that the article was genuine Italian olive oil, whereas, in truth and in fact, it was not genuine Italian olive oil, but was a mixture of olive oil and domestic cottonseed oil. Misbranding was charged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Olio Puro Italiano di Oliva," thereby indicating that the article was pure Italian olive oil, whereas, in truth and in fact, it was not pure Italian olive oil, but was a mixture of olive oil and domestic cottonseed oil. Misbranding was charged for the further reason that the product purported to be a foreign product, to wit, a product of Italy, whereas, in truth and in fact, it was not a foreign product, nor a product of Italy, but was a domestic product.

On July 15, 1914, the defendant entered a plea of guilty to the indictment and the court imposed a fine of $25.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *December 31, 1914.*

3512. Adulteration and misbranding of alleged olive oil. U. S. v. Paolo Manganelli. Plea of guilty. Fine, $25. (F. & D. No. 4978. I. S. No. 3189-d.)

At the April, 1914, term of the District Court of the United States for the Southern District of New York the jurors of the United States of America within and for said district, after presentment by the United States attorney for the district aforesaid, upon a report by the Secretary of Agriculture, returned an indictment against Paolo Manganelli, New York, N. Y., charging shipment by said defendant, in violation of the Food and Drugs Act, on March 11, 1912, from the State of New York into the State of Rhode Island, of a quantity of alleged olive oil, which was adulterated and misbranded. The product was labeled: "Tripoli Brand (Trade Mark—Girl holding Italian flag, followed by soldiers with Italian flag, standing upon map of Tripolitania) Olio Puro Italiano di Oliva."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Index of refraction at 25° C	1.4695
Iodin number (Hanus)	101.7
Halphen test for cottonseed oil: Positive.	

Adulteration of the product was charged in the indictment for the reason that a substance, to wit, cottonseed oil, had been substituted in part for the olive oil which the product purported to be, and for the further reason that a substance, to wit, cottonseed oil, had been mixed and packed with the article aforesaid so as to reduce and lower and injuriously affect its quality and strength. Misbranding was charged for the reason that the statement "Olio Puro Italiano di Oliva" appearing on the label was false and misleading, in that it conveyed the impression that the article was pure Italian olive oil, whereas, in truth and in fact, it was not pure olive oil but was a mixture of olive oil and domestic cottonseed oil. Misbranding was charged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Olio Puro Italiano," thereby creating the impression that the article aforesaid was pure Italian olive oil, whereas, in truth and in fact, it was not pure Italian olive oil, but was a mixture of olive oil and domestic cottonseed oil. Misbranding was charged for the further reason that the article purported to be a foreign product, to wit, a product of Italy, whereas, in truth and in fact, it was not a foreign product, nor did it come from Italy, but it was an article of domestic production.

On July 15, 1914, the defendant entered a plea of guilty to the indictment and the court imposed a fine of $25.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *December 31, 1914.*

3513. Adulteration of Mulford's violets. U. S. v. 4 Cases of Confectionery Labeled "Mulford's Violets." Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5119. I. S. No. 8020-e. S. No. 1743.)

On March 26, 1913, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 cases of confectionery labeled "Mulford's Violets," remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by the H. K. Mulford Co., Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it contained talc.

On August 12, 1914, the H. K. Mulford Co., Boston, Mass., claimant, having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *December 31, 1914.*

3514. Adulteration and misbranding of maple butter. U. S. v. W. T. Bailey et al. (Marshalltown Syrup & Sugar Co.). Plea of guilty. Fine, $20 and costs. (F. & D. No. 5203. I. S. No. 36969-e.)

On January 13, 1913, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Marshalltown Syrup & Sugar Co., a partnership composed of W. T. Bailey, F. O. Bailey, and J. R. Bailey, all of Marshalltown, Iowa, alleging shipment by the defendant concern, on or about May 29, 1912, from the State of Iowa into the State of Nebraska, of a quantity of maple butter which was adulterated and misbranded. The product was labeled: "5 lbs. Net Maple Butter For cake frosting filling and icing. It is delicious on hot cakes and biscuit, also spread on bread and butter. A mixture of cane and maple sugar so blended as to give the most pleasant and lasting flavor and a substance used to produce inversion of cane sugar. Preservatives 1/0 of 1% Benzoate of Soda. Diamond W. brand. For sale only by Williams-Murphy Co., Omaha, U. S. A."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Solids by refractometer (per cent)	86.1
Sucrose, Clerget (per cent)	51.85
Commercial glucose (factor 163) (per cent)	30.67
Polarization, direct, at 30° C. (°V.)	102.4
Polarization, invert, at 30° C. (°V.)	36.2
Polarization, invert, at 87° C. (°V.)	50.0
Ash (per cent)	0.94
Lead precipitate (Winton number)	1.52
Weight (ounces)	76.125
Preservatives, sodium benzoate (per cent)	0.09

Shortage in weight (Oct. 18, 1912): Weight, 4 lbs. 13½ oz., shortage 3.12 per cent; weight, 4 lbs. 13½ oz., shortage 3.12 per cent; weight, 4 lbs. 13¾ oz., shortage 2.81 per cent.

It was alleged in the information that the labeling on the product was false and misleading and was known by the defendant to be false and misleading; that from an analysis made by the Bureau of Chemistry of the Department of Agriculture of samples of the product taken from the above described shipment it was shown to contain 30.67 per cent of commercial glucose, and was therefore adulterated within the meaning of the second paragraph of section 7 of the act in the case of food, in that it was labeled "Maple butter" and another substance, to wit, commercial glucose, had been substituted wholly or in part therefor. It was further alleged that the product was misbranded within the meaning of the first general paragraph of section 8, in that the following statement, to wit, "Cane and maple sugar," shown on the label thereof, was false and misleading, because it misled and deceived the purchaser into the belief that the product was a sugar butter made wholly from cane and maple sugar, whereas, in truth and in fact, it contained commercial glucose, the statement, "a mixture of cane and maple sugar and a substitute used to produce inversion of cane sugar," which also appeared on the label in small and inconspicuous type, not being sufficient to correct the false impression created by the statement "Cane and maple sugar butter." It was further alleged that the product was misbranded within the meaning of paragraph 3 of section 8 in the case of food, in that it was labeled and branded so as to deceive and mislead the purchaser, being labeled "Maple butter," thereby purporting that the product was a sugar butter made from cane and maple sugar, when, as a matter of fact, it contained commercial glucose, the statement, "A mixture of cane and maple sugar and a substitute used to produce inversion of cane sugar," which also appeared on the label in small and inconspicuous type, not being sufficient to correct the false impression conveyed by the statement "Maple butter."

On May 18, 1914, a plea of guilty to the information was entered on behalf of the defendant concern and the court imposed a fine of $20 and costs.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *December 31, 1914.*

3515. Misbranding of cattle feed. U. S. v. John R. Pepper and G. E. Patteson (G. E. Patteson & Co.). Plea of nolo contendere. Fine, $15 and costs. (F. & D. No. 5208. I. S. No. 14141-d.)

On August 11, 1913, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John R. Pepper and G. E. Patteson, Memphis, Tenn., a partnership doing business and trading under the firm name and style of G. E. Patteson & Co., alleging shipment by the defendant concern, in violation of the Food and Drugs Act, on or about December 30, 1911, from the State of Tennessee into the State of North Carolina, of a quantity of cattle feed which was misbranded. The product was labeled: (On the bag containing said product) "100 Lbs. G. E. Patteson & Co. Suga-ration, Memphis, Tenn. 100 lbs. Suga-ration," and also bearing the picture of a horse head; (on tags) "100 Lbs. Suga-ration Stock Feed. Manufactured by G. E. Patteson & Co., Memphis, Tenn. Guaranteed analysis: Protein (6.25 times nitrogen) 11.65%; Starch and Sugar (Carbohydrates) 64%; Fat 3.50%; Fibre 11.04%. Made from Corn, Oats, Molasses, Alfalfa Hay and Cotton Seed Meal."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Moisture (per cent)	13.03
Ether extract (per cent)	2.20
Protein (per cent)	9.89
Crude fiber (per cent)	10.99
Reducing sugars (per cent)	9.47
Sucrose (per cent)	2.46

Misbranding of the product was alleged in the information for the reason that it bore certain brands and labels purporting to state thereon the ingredients thereof, which said labels were in the words and figures as set forth above, and which labels set forth that the product contained 11.65 per cent protein and 3.50 per cent fat, whereas, in truth and in fact, said product did not contain 11.65 per cent protein and [3.50 per cent] fat, [but] to wit, 9.89 per cent protein and 2.20 per cent fat. It was alleged that the product was further misbranded within the meaning of the second paragraph of section 8 of said Food and Drugs Act in the case of food, in that it was labeled and branded so as to mislead the purchaser or purchasers thereof, being labeled: "Protein 11.65% and fat 3.50%," thereby creating the impression that the product contained said amounts of said ingredients, whereas, in truth and in fact, said product did not contain said amounts, but a much less amount of said ingredients; and said representations and statements upon said brands and labels upon said cattle feed were false, untrue, misleading, and calculated to deceive the purchaser or purchasers of said cattle feed.

On June 20, 1914, a plea of nolo contendere was entered on behalf of the defendant concern and the court imposed a fine of $15 and costs.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *December 31, 1914.*

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3516. Misbranding of so-called superior sherry. U. S. v. A. Blum Jr.'s Sons. Plea of guilty. Fine, $25. (F. & D. No. 5210. I. S. No. 20753-d.)

On July 6, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against A. Blum Jr.'s Sons, a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on May 25, 1912, from the State of New York into the State of Pennsylvania, of a quantity of so-called superior sherry, which was misbranded. The product was labeled "Superior Sherry."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Amber colored, not bright, heavy sediment.
Aroma: Unpleasant, not clean or harmonious, lacks the nutty aroma of the true high-grade sherry, sound.
Taste: High in alcohol, bad aftertaste, lacks the characteristic fire of true sherries, has little sherry quality.

Alcohol (per cent by volume)	20.60
Acid, as tartaric (grams per 100 cc)	0.311
Volatile acid, as acetic (grams per 100 cc)	0.066
Fixed acid, as tartaric (grams per 100 cc)	0.288
Sulphur trioxid (SO_3) (grams per 100 cc)	0.0209

Misbranding of the product was alleged in the information for the reason that the statement appearing on the label, "Superior Sherry," regarding the article and the ingredients and substances therein contained, was false and misleading in that it indicated that said article was a genuine sherry wine produced in Spain, whereas, in truth and in fact, the said article was not a true sherry and a wine produced in Spain, but was a low-grade wine lacking the characteristics of true sherry, and a wine of domestic production. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Superior Sherry," thereby indicating that the said article was a genuine sherry wine produced in Spain, whereas, in truth and in fact, the said article was not a true sherry and a wine produced in Spain, but was a low-grade wine lacking the characteristics of true sherry, and a wine of domestic production. Misbranding was alleged for the further reason that the said article purported to be a foreign product, to wit, a product of Spain, whereas, in truth and in fact, the said article was not a foreign product, nor a product of Spain, but was a product of domestic origin.

On July 16, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *December 31, 1914.*

3517. Adulteration of salmon. U. S. v. 2,100 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5275. I. S. No. 10056-e. S. No. 1863.)

On July 12, 1913, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2,100 cases of salmon, remaining unsold in the original unbroken packages at San Francisco, Cal., alleging that the product had been transported in interstate commerce from the Territory of Alaska into the State of California, arriving at San Francisco during the months of September and October, 1912, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted, in whole or in part, of a filthy, decomposed, or putrid animal or vegetable substance.

On September 18, 1913, no claimant having appeared for the property, judgment was entered and the product was ordered condemned as forfeited to the United States of America for the uses and purposes as by statute provided.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *December 31, 1914*

3518. **Adulteration and misbranding of so-called vanilla extract. U. S. v. 1 Barrel of So-called Vanilla Extract. Default decree of condemnation and forfeiture. Product ordered sold.** (F. & D. No. 5283. I. S. No. 897-e. S. No. 1871.)

On July 23, 1913, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel of vanilla extract remaining unsold in the original unbroken package at Salt Lake City, Utah, alleging that the product had been shipped on or about April 25, 1913, and transported from the State of New York into the State of Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Special Ice Cream Flavor Trade Mark (Monogram)—Guaranteed by Star Extract Works, according to the Food and Drugs Act of June 30, 1906, U. S. Serial No. 5187."

It was alleged in the libel that the product was misbranded and adulterated for the following reasons, that is to say, that the contents of said barrel were, in fact, an imitation of vanilla extract, colored in such a manner as to imitate the genuine product, and that a substitute for and imitation of vanilla extract had been so packed and mixed with the product as to reduce and lower its quality and strength, and had been substituted in large part for vanilla extract; that the contents of said barrel were in fact misbranded, in that being labeled as aforesaid the same were labeled in such a manner as to deceive and mislead the purchaser, and were intended so to mislead and deceive the purchaser, for the reason that it was represented by said label that the contents of the barrel were ice cream flavor, whereas, in fact, said contents of said barrel consisted in large part of imitation vanilla extract, artificially colored; and that said label represented that the contents of the barrel were a genuine ice cream flavor, whereas, in truth and in fact, the same were an imitation of such flavor, though labeled and offered for sale under the distinctive name of a genuine ice cream flavor; and said barrel so labeled as aforesaid was actually represented to be and was shipped in interstate commerce as vanilla extract, whereas, in truth and in fact, the same was an imitation of such product.

On March 2, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *December 31, 1914.*

3519. Misbranding of Excello dairy feed. U. S. v. Excello Feed Milling Co. Plea of guilty. Fine $10 and costs. (F. & D. No. 5361. I. S. No. 16864-d.)

On February 20, 1914, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Excello Feed Milling Co., a corporation, St. Joseph, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 22, 1912, from the State of Missouri into the State of Oklahoma, of a quantity of so-called Excello dairy feed, which was misbranded. The product was labeled: "Excello Dairy Feed For wise feeders, 100 lbs., increases the milk, increases butter fat, manufactured and guaranteed by Excello Feed Milling Co., Sole Manufacturers, St. Joseph, Mo., U. S. A., Also Mfgrs. Excello Cattle Fattener & Horse Feed." (On tag) "No. 80151. Excello Dairy Feed. Manufacturers of Excello Feed Milling Co. Guaranteed analysis 100 lbs. Protein 14.36%; Fat 3.50%; Carbohydrates 49.62%; Crude fibre 12 to 15%. Ingredients: Ground corn, wheat bran, cottonseed meal, alfalfa meal, cane molasses and salt."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Moisture (per cent)	22.84
Ether extract (per cent)	2.41
Protein (per cent)	11.56
Crude fiber (per cent)	9.75

Misbranding of the product was alleged in the information, for the reason that the aforesaid label contained the following statement, to wit, "Guaranteed analysis 100 lbs., Protein 14.36%; Fat 3.50%;" which said statement was false and misleading, in that it purported and represented to the purchaser of said article that there was contained as ingredients thereof 14.36 per centum of protein and 3.50 per centum of fat, whereas, in fact, said article did not contain 14.36 per centum of protein and 3.50 per centum of fat, but contained a less amount of said ingredients, to wit, 11.56 per centum of protein and 2.41 per centum of fat.

Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser thereof into the belief that the same contained 14.36 per centum of protein and 3.50 per centum of fat, whereas, in fact, it contained a less amount of said ingredients, to wit, 11.56 per centum of protein and 2.41 per centum of fat.

On September 21, 1914, the defendant company entered a plea of guilty to the information and the court imposed a fine of $10 and costs.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *December 31, 1914.*

3520. Adulteration of phosphate of lime. U. S. v. 200 Bags of Phosphate of Lime. Consent order. Product released on bond. (F. & D. No. 5376. I. S. No. 3796-h. S. No. 1975.)

On October 20, 1913, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of certain articles used and intended for use as food, to wit, 200 bags, each containing approximately 150 pounds of phosphate of lime, remaining unsold in the original unbroken packages at Mount Carmel, Ill., alleging that the product had been shipped on or about October 1, 1913, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the product was illegally held within the jurisdiction of the court and that said article and contents of said bags contained an added poisonous or deleterious ingredient, which might render such article injurious to health, in violation of section 7 of said act of Congress of June 30, 1906, and was liable to seizure, condemnation, and confiscation as provided in section 10 of such act, for the following reason, to wit, that said bags of phosphate of lime contained more than 300 milligrams of lead per kilo, which was an added deleterious ingredient which might render such article injurious to health.

On January 2, 1914, the Provident Chemical Works, St. Louis, Mo., claimant of the product, having filed and presented its bond in the penal sum of $2,000, in conformity with section 10 of the act, and conditioned that upon release of product to said claimant, it would pay all costs of the action, it was ordered by the court that the product should be released to said claimant.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3521. Adulteration and misbranding of so-called apple-cider vinegar. U. S. v. Stone-Ordean-Wells Co. Plea of guilty. Fine, $5. (F. & D. No. 5416. I. S. No. 19164-d.)

On July 14, 1914, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Stone-Ordean-Wells Co., a corporation doing business in Duluth, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 22, 1912, from the State of Minnesota into the State of Montana, of a quantity of so-called apple-cider vinegar which was adulterated and misbranded. The product was labeled: "4½ Per Centum Acetic Acid, 24 Ounces Net Weight. Wampum Brand Apple Cider Vinegar. Bottled by Stone-Ordean-Wells Co. Duluth, Minn."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Contents: O. K.	
Alcohol (per cent by volume)	0.25
Polarization, undiluted, direct at 20° C. (° V.)	−0.8
Alkalinity of soluble ash (cc N/10 acid per 100 cc)	42.4
Soluble phosphoric acid as P_2O_5 (mg per 100 cc)	5.6
Insoluble phosphoric acid as P_2O_5 (mg per 100 cc)	9.5
Lead precipitate: Light.	
Color (degrees, brewer's scale, 0.5 inch cell)	9
Color removed by fuller's earth (per cent)	52
Sugar in solids (per cent)	36.86
Ratio of ash to nonsugars	1:3.38
Glycerin (grams per 100 cc)	0.16
Total solids (grams per 100 cc)	1.98
Reducing sugars invert as invert (grams per 100 cc)	0.72
Reducing sugars direct after evaporation as invert (grams per 100 cc)	0.73
Total ash (grams per 100 cc)	0.37
Total acid as acetic (grams per 100 cc)	4.68
Volatile acid as acetic (grams per 100 cc)	4.67
Nonsugar solids (grams per 100 cc)	1.25
Sucrose, by copper (grams per 100 cc)	0.00

Adulteration of the product was alleged in the information for the reason that substances other than apple-cider vinegar, namely, a solution of distilled vinegar or dilute acetic acid, added ash material, and a substance high in reducing sugars, prepared in imitation of genuine apple-cider vinegar, had been substituted in whole or in part for apple-cider vinegar, which the article [was] purported to be. Misbranding was alleged for the reason that the statement "Apple Cider Vinegar," borne on the label of the packages in which the article was shipped and delivered for shipment, was false and misleading, because, in truth and in fact, said article was not apple-cider vinegar but was an imitation apple-cider vinegar, and said article was not labeled, branded, or tagged so as to plainly indicate that it was an imitation, and said article did not have the word "Imitation" stated on the packages in which it was shipped and delivered for shipment; and, further, for the reason that said article was an imitation apple-cider vinegar and was offered for sale and sold under the distinctive name of apple-cider vinegar; and, further, in that said article was labeled and branded so as to deceive and mislead the purchaser into the belief that it was apple-cider vinegar when not so.

On July 14, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $5.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3522. Misbranding of Neal's olivine soap. U. S. v. To-Kalon Mfg. Co. Plea of guilty. Fine, $20. (F. & D. No. 5418. I. S. No. 15603-d.)

On March 20, 1914, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the To-Kalon Mfg. Co., a corporation, Syracuse, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 1, 1911, from the State of New York into the State of Missouri, of a quantity of Neal's olivine soap, which was misbranded.

The product was labeled: (On carton) "Important to Physicians and Trained Nurses Neal's Olivine is a thoroughly Antiseptic soap, medicated with chemically pure borax, in the form of boroglycerine. It is of exceptional value in producing surgical cleanliness, unexcelled for removing dirt, softening and whitening the skin, healing chapped hands, and eradicating skin blemishes. Price 35 cents. To-Kalon Manufacturing Co. 7 Rue Auber, Paris. London, Eng. Syracuse, N. Y. Beware of Imitations. The marvelous success that has been obtained by Neal's Olivine has caused a number of spurious imitations. In purchasing a liquid soap, always ask for Neal's Olivine, thus avoiding danger of securing a cheap soap which may do more harm to your skin in one month than can be undone in six months or a year. If you always insist upon getting Neal's Olivine, you may be assured of having an absolutely pure soap, which will not injure the skin or complexion. Neal's Olivine Directions First wet the hands with water, then pour small quantity of the Olivine into the palm; rub the hands briskly until a good lather is produced. To cleanse the face, rub this lather over the skin with the hands, wash cloth or sponge. Neal's Olivine will not injure the most delicate skin. Neal's Olivine The New Liquid Soap Ideal for the bath, shampoo, and general toilet purposes. Unexcelled for the relief of dandruff, falling hair, and shampooing the scalp. Olivine is an absolutely pure soap, which will not injure the skin or complexion. Guaranteed under the Food and Drugs Act, Serial No. 16029 By the To-Kalon Manufacturing Co. 7 Rue Auber, Paris, London, Eng. Syracuse, N. Y. Neal's Olivine." (On bottle) "Neal's Olivine The soap Ideal Guaranteed by To-Kalon Mfg. Co. under the Food and Drugs Act, June 30, 1906. Serial Number 16029 To-Kalon Mfg. Co. 7 Rue Auber Paris London Syracuse, N. Y." (On circular) "Olivine contains the pure oil of crushed olives combined with chemically pure borax in the form of boroglycerine. It is both an antiseptic and germicide."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that the product was an aqueous solution of soap made from an oil other than olive oil, contained no boroglycerin, and had no antiseptic or germicidal action.

Misbranding of the product was alleged in the information for the reason that the statement "Olivine," borne on the bottle and carton in which said article was shipped and delivered for shipment, was false and misleading because it conveyed the impression that said article contained olive oil, whereas it did not contain any olive oil, and, further, in that the statement "Neal's Olivine is a thoroughly antiseptic soap, medicated with chemically pure borax in the form of boroglycerine," borne on the carton in which said article was shipped and delivered for shipment, was false and misleading, because, as a matter of fact, said article contained no borax, and, further, in that the statement "Olivine contains the pure oil of crushed olives, combined with chemically pure borax in the form of boroglycerine," borne on the circular inclosed with the package in which said article was shipped and delivered for shipment, was false and misleading, because, as a matter of fact, said article did not contain either olive oil or borax, and, further, in that the statement "It is both an antiseptic and germicide," borne on the carton in which said article was shipped and delivered for shipment, was false and misleading, because said article was neither an antiseptic nor a germicide.

On March 20, 1914, the defendant company entered a plea of guilty to the information and the court imposed a fine of $20.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3523. Adulteration and misbranding of granular pepsin, pepsin soluble scales, powdered pepsin, and pancreatin. U. S. v. S. E. Ullman (Royal Chemical Co.). Plea of non vult. Fine, $50 on count 1 of information. Sentence suspended on remaining 7 counts of information. (F. & D. No. 5430. I. S. Nos. 5690-e, 5691-e, 5692-e, 5693-e.)

On April 14, 1914, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in 8 counts against S. E. Ullman, trading as the Royal Chemical Co., Jersey City, N. J., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about November 25, 1912, from the State of New Jersey into the State of Tennessee, of quantities of granular pepsin, scale pepsin, powdered pepsin, and pancreatin which were adulterated and misbranded.

The granular pepsin was labeled: "10 lbs. Granular Pepsin Soluble 1–3000 U. S. P. Royal Chemical Co., New York City."

Examination of a sample of this product by the Bureau of Chemistry of this department showed that it was not capable of digesting more than 1,875 times its own weight of freshly coagulated and disintegrated egg albumen.

Adulteration of the product was alleged in the first count of the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, to wit, granular pepsin, and differed from the standard of strength, quality, and purity for such article as determined by the test laid down in said Pharmacopœia official at the time of investigation, in that said Pharmacopœia specifies that said article shall be capable of digesting 3,000 times its own weight in [of] freshly coagulated and disintegrated egg albumen, whereas, in truth and in fact, said article was not capable of digesting more than 1,875 times its own weight of freshly coagulated and disintegrated egg albumen. Misbranding of the product was alleged in the second count of the information for the reason that the statement "Granular Pepsin Soluble 1–3000 U.S.P.," borne on the label, was false and misleading, because it conveyed the impression that the product was pure granular pepsin, conforming to the standard prescribed in the United States Pharmacopœia, whereas, in truth and in fact, it was not granular pepsin of the standard prescribed in the United States Pharmacopœia, but was a granular pepsin of a lower standard than that specified in said Pharmacopœia.

The scale pepsin was labeled: "28 lbs. Pepsin Soluble Scales 1–3000 U.S.P. Royal Chemical Co., New York City." Examination of a sample of this product by said Bureau of Chemistry showed that it was not capable of digesting more than 1,150 times its own weight of freshly coagulated and disintegrated egg albumen.

Adulteration of the product was alleged in the third count of the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, to wit, pepsin soluble scales, and different from the standard of strength, quality and purity for such article, as determined by the test laid down in said Pharmacopœia official at the time of investigation, in that said Pharmacopœia specifies that said article shall be capable of digesting 3,000 times its own weight in [of] freshly coagulated and disintegrated egg albumen, whereas, in fact, said article was not capable of digesting more than 1,150 times its own weight of freshly coagulated and disintegrated egg albumen. Misbranding was alleged in the fourth count of the information for the reason that the statement, "Pepsin Soluble Scales 1–3000 U.S.P.," borne on the label of said article, was false and misleading because it conveyed the impression that the product was pepsin soluble scales conforming to the standard prescribed in the United States Pharmacopœia, whereas, in truth and in fact, it was not pepsin soluble scales of the standard as set forth in said Pharmacopœia but was pepsin soluble scales of a lower standard [of] strength than that prescribed in said Pharmacopœia.

The powdered pepsin was labeled: "17½ lbs. Pepsin Soluble Powdered 1–3000 U.S.P. Royal Chemical Co., New York City." Examination of a sample of this product by said Bureau of Chemistry showed that it was not capable of digesting more than 750 times its own weight of freshly coagulated and disintegrated egg albumen.

Adulteration of the product was alleged in the fifth count of the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, to wit, pepsin soluble powdered, and differed from the standard of strength, quality, and purity for such article as determined by the test laid down in said Pharmacopœia official at the time of investigation, in that said Pharmacopœia specifies that said article shall be capable of digesting 3,000 times its own weight in [of] freshly coagulated and disintegrated egg albumen, whereas, in truth and in fact, said article was not capable of digesting more than 750 times its own weight of freshly coagulated and disintegrated egg albumen. Misbranding was alleged in the sixth count of the information for the reason that the statement, "Pepsin Soluble Powdered 1–3000 U.S.P.," borne on the label, was false and misleading because it conveyed the impression that the product was soluble powdered pepsin conforming to the standard prescribed in the United States Pharmacopœia, whereas, in truth and in fact, it was not a soluble powdered pepsin conforming to said standard, but was a soluble powdered pepsin of a lower standard than that prescribed in said Pharmacopœia.

The pancreatin was labeled: "15¼ lbs. Pure Pancreatine U.S.P. 1900 Absolutely Free From Fatty Matter Royal Chemical Co., New York City." Examination of a sample of this product by the said Bureau of Chemistry showed that it was not capable of converting more than two-fifths of its own weight of starch into substances soluble in water.

Adulteration of the product was alleged in the seventh count of the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, to wit, pancreatin, and differed from the standard of strength, quality, and purity for such article, as determined by the test laid down in said Pharmacopœia official at the time of investigation, in that said Pharmacopœia specifies that said article shall be capable of converting not less than 25 times its own weight of starch into substances soluble in water, whereas, in truth and in fact, said article was not capable of converting more than two-fifths of its own weight of starch into substances soluble in water. Misbranding was alleged in the eighth count of the information for the reason that the statement, "Pure Pancreatine U.S.P.," borne on the label of said article, was false and misleading because it conveyed the impression that the product was pure pancreatin, conforming to the standard prescribed in the United States Pharmacopœia, whereas, in truth and in fact, it was not pure pancreatin conforming to said standard, but pancreatin of a lower standard than that prescribed in said Pharmacopœia.

On June 9, 1914, the defendant entered a plea of non vult to the information and was fined $50 upon the first count thereof. The court suspended sentence on the other seven counts of the information.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3524. Adulteration and misbranding of so-called Banner scuppernong wine. U. S. v. The Mihalovitch Co. Plea of guilty. Fine, $100 and costs. (F. & D. No. 5433. I. S. No. 2328-e.)

On March 24, 1914, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Mihalovitch Co., a corporation, Cincinnati, Ohio, alleging the shipment by said company, in violation of the Food and Drugs Act, on or about September 17, 1912, from the State of Ohio into the State of Georgia, of a quantity of so-called scuppernong wine, which was adulterated and misbranded. The product was labeled: (On each bottle) "Trade Mark. Banner Scuppernong Type Wine First Pressing." (On cap of bottle) "Superior Quality" (On shipping package) "Banner Scuppernong Wine, 8506–9–19–12" (On tag attached to shipping package) "From The Mihalovitch Co., 118–120 West Pearl St., Cincinnati, Ohio."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it was not a "Scuppernong Type Wine," or a "Scuppernong Type Wine First Pressing," but was very probably a catawba wine to which flavoring had been added.

Adulteration of the product was alleged in the information for the reason that a substance other than scuppernong wine or scuppernong type of wine, namely, a product made in whole or in part from other wine or wines or base wine, and sweetened, flavored, and mixed in imitation of scuppernong wine, had been substituted in whole or in part for scuppernong wine. Misbranding was alleged for the reason that the statements "Scuppernong Type Wine" and "First Pressing," borne on the labels of the package and bottles in which the article was shipped and delivered for shipment, were false and misleading because, as a matter of fact, the article was not first pressing scuppernong wine or scuppernong type wine, but was a product made in whole or in part from another wine or wines or base wines, and sweetened, flavored, and mixed in imitation of scuppernong wine, and, further, in that said article was labeled and branded so as to deceive and mislead the purchaser into the belief that it was first pressing scuppernong wine or first pressing scuppernong type wine, whereas, in truth and in fact, said article was not first pressing scuppernong wine or scuppernong type wine, but was a product made in whole or in part from another wine or wines or base wines, and sweetened, flavored, and mixed in imitation of scuppernong wine.

On October 23, 1914, the defendant company entered a plea of guilty to the information and the court imposed a fine of $100 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3525. **Adulteration and misbranding of sciroppo amarena. U. S. v. Robert Bernagozzi et al. (W. P. Bernagozzi & Bros.). Plea of guilty. Fine, $15.** (F. & D. No. 5448. I. S. No. 22819-d.)

On June 16, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Robert Bernagozzi, Ferdinando Bernagozzi, and William Bernagozzi, copartners, trading under the firm name and style of W. P. Bernagozzi & Bros., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on May 15, 1912, from the State of New York into the State of Illinois, of a quantity of sciroppo amarena, which was adulterated and misbranded. The product was labeled: "Sciroppo amarena (Picture of cherries)."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Solids (per cent)	66. 90
Sucrose (per cent)	2. 25
Invert sugar (per cent)	63. 97
Ash (per cent)	0. 02
Citric acid (per cent)	0. 66

Color: Amaranth.
Benzaldehyde: Trace.
Cinnamon: Trace.

This product is a sugar sirup artificially colored with amaranth dye, acidified with citric acid, and flavored with benzaldehyde and cinnamon.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, sugar sirup, artificially colored with a coal-tar dye known as amaranth, acidified with citric acid, and flavored with benzaldehyde and cinnamon, had been substituted wholly or in part for the genuine cherry sirup which the article purported to be. Adulteration was alleged for the further reason that the product was colored with a coal-tar dye known as amaranth, in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that the statement "Sciroppo Amarena," together with the picture of cherries appearing on the label aforesaid regarding said article, and the ingredients and substances contained therein, was false and misleading in that it indicated that said article was a cherry sirup, whereas, in truth and in fact, it was not a cherry sirup, but was a sugar sirup, artificially colored with a coal-tar dye known as amaranth, acidified with citric acid, and flavored with benzaldehyde and cinnamon. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Sciroppo Amarena" and branded with a picture of cherries, thereby indicating that said article was a cherry sirup, whereas, in truth and in fact, said article was not a cherry sirup, but was a sugar sirup, artificially colored with a coal-tar dye known as amaranth, acidified with citric acid, and flavored with benzaldehyde and cinnamon. Misbranding was alleged for the further reason that the article purported to be a foreign product, whereas, in truth and in fact, it was not a foreign product, but was an article produced in the United States.

On June 19, 1914, a plea of guilty was entered on behalf of the defendant firm, and the court imposed a fine of $15.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3526. Adulteration and misbranding of so-called hop and malt extract. U. S. v. 10 Casks, More or Less, of So-called Hop and Malt Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5450. I. S. No. 4884-h. S. No. 2010.)

On November 26, 1913, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 casks, more or less, each containing 12 dozen bottles, purporting and represented to contain hop and malt extract, remaining unsold in the original unbroken packages, at Pittsburgh, Pa., alleging that the product had been transported from the State of Illinois into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The casks were labeled in part: "Glass—Handle with care—This case contains 144 small bottles malt." Each bottle was labeled: "Egyptian Brand Hop and Malt Extract—3.83 per cent alcohol—Guaranteed by the East St. Louis New Athens Brewing Co. under the Food and Drugs Act, June 30, 1906. Serial No. 11761, E. St. Louis New Athens Brewing Co., East St. Louis, Ill., New Athens, Ill., U. S. A. Trade Mark—Intended for Medicinal Purposes, Not as a beverage." In addition each bottle bore a label on the back giving directions for the use of the article.

Adulteration of the product was alleged in the libel for the reason that it purported to be hop and malt extract, when, in fact, its strength or quality had been reduced or lowered by the use of some cereal product other than malt. Misbranding was alleged for the reason that the product was labeled and branded so as to deceive and mislead the purchaser, that is to say, it was branded and labeled as "Egyptian Brand Hop and Malt Extract," which indicated that it was composed of malt extract, a substance recognized by the United States Pharmacopœia, with other substances, when, as a matter of fact, it was not a malt extract, but was a fermented product, in the manufacture of which some cereal had been substituted for malt.

On June 15, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3527. Misbranding of Excello molasses feed. U. S. v. Excello Feed Milling Co. Plea of guilty. Fine, $10 and costs. (F. & D. No. 5453. I. S. No. 4641-d.)

On May 11, 1914, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Excello Feed Milling Co., a corporation, St. Joseph, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 6, 1912, from the State of Missouri into the State of Indiana, of a quantity of Excello molasses feed, which was misbranded. The product was labeled: (On sacks) "Excello Molasses Feed 100 lbs. (Picture of cattle.) For results—For Profit Manufactured & Guaranteed by Excello Feed Milling Co. Sole Manufacturers, St. Louis, Mo. U. S. A." (On tags attached to sacks) "(Excello Molasses Feed) 4074; 100 lbs. Excello Feed Milling Co., St. Joseph, Mo., guarantees this Excello Molasses Feed to contain not less than 1.6% crude fat, 12% crude protein and to be compounded from the following ingredients alfalfa meal and molasses."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Ether extract (per cent)	0.87
Protein (per cent)	9.25

Misbranding of the product was alleged in the information for the reason that the statement "Excello Feed Milling Co., St. Joseph, Mo., guarantees this Excello Molasses Feed to contain not less than 1.6% crude fat, 12% crude protein," borne on the label of the article, was false and misleading because it conveyed the impression that said article contained not less than 1.6 per cent of crude fat and not less than 12 per cent of crude protein, whereas, in truth and in fact, said article contained a less amount of crude fat and crude protein, to wit, 0.87 per cent fat and 9.25 per cent protein. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled and branded "Excello Feed Milling Co., St. Joseph, Mo., guarantees this Excello Molasses Feed to contain not less than 1.6% fat, 12% crude protein," thereby conveying the impression that the product contained not less than 1.6 per cent crude fat and not less than 12 per cent crude protein, whereas, in truth and in fact, it contained a less amount of crude fat and crude protein, to wit, 0.87 per cent fat and 9.25 per cent protein.

On September 21, 1914, the defendant company entered a plea of guilty to the information and the court imposed a fine of $10 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3528. Adulteration of canned peas. U. S. v. 1 Case of Canned Peas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5454. I. S. No. 5266-h. S. No. 2022.)

On November 25, 1913, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 case, containing 100 cans of peas, remaining unsold in the original unbroken package at Memphis, Tenn., alleging that the product had been transported from the State of New York into the State of Tennessee, the shipment having been received at Memphis, October 6, 1913, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On the case) "Lalance brand Peas" (on the cans) "Average net weight 7 oz Lalance Brand Fine Peas-Colored with sulphate of copper Packed in Belgium."

Adulteration of the product was alleged in the libel for the reason that it consisted in part of an added poisonous and deleterious substance, to wit, copper, which is a substance poisonous and deleterious.

On May 27, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3529. Adulteration and misbranding of wine. U. S. v. 60 Barrels of Wine. Tried to the court. Finding for the Government. Product released on bond. (F. & D. No. 5458. I. S. No. 84-h. S. No. 2032.)

On December 2, 1913, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 barrels of wine, remaining unsold in the original unbroken packages at Kansas City, Mo., alleging that the product had been shipped by The Engels & Krudwig Wine Co., Sandusky, Ohio, and transported from the State of Ohio into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled, "The Engels & Krudwig Wine Co., Ohio Claret Wine, Sandusky, Ohio. Containing Harmless Coloring."

Adulteration of the product was alleged in the libel for the reason that it had been mixed with a substance, to wit, pomace wine, so as to reduce, lower, and injuriously affect its quality and strength; further, in that pomace wine had been substituted, in whole or in part, for the article and substance represented to be contained in the barrels, in that the labels and brands on said barrels represented and stated that the contents thereof were Ohio claret wine, when, in truth and in fact, said barrels contained a pomace wine; and, further, in that the product was a pomace wine, artificially colored, in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that the product was labeled as aforesaid, and that said brands and labels on each of the barrels were false and misleading in that the said wine was offered for sale under the distinctive name of another article, to wit, Ohio claret wine, when, in truth and in fact, it was a pomace wine; further, in that the product was labeled and branded so as to deceive and mislead the purchaser thereof, in that said labels and brands on the barrels represented and stated the contents thereof to be Ohio claret wine, when, in truth and in fact, the barrels contained a pomace wine; and, further, in that said labels and brands upon each of the barrels bore statements regarding the ingredients and substances contained therein which were false and misleading, in that said labels and brands stated and represented that the contents of the barrels were Ohio claret wine, when, in truth and in fact, each of the barrels contained a pomace wine.

On December 31, 1913, the said Engels & Krudwig Wine Co. filed its claim and answer to the libel, and on May 13, 1914, the case having come on for trial before the court, evidence was submitted in full by the Government and by the claimants, and arguments of counsel were heard. On July 16, 1914, the following memorandum opinion, finding for the Government, was delivered by the court (Van Valkenburgh, *J.*):

Succinctly stated, the libel of the Government charges that the wine in question was misbranded, in that the brands and labels on the barrels represented and stated the contents thereof to be "Ohio Claret Wine," when, in truth and in fact, it was not Ohio claret wine, but was a pomace wine, either in whole or in part, by substitution or otherwise. The defense is that the wine is Ohio claret wine and denies that said barrels contained pomace wine, or that pomace wine has been substituted, in whole or in part, for claret wine in said barrels, or any of them. Claimant further asserts that said wine was made from red grapes, that a sugar solution was added, and also a small amount of artificial coloring, all in conformity to Food Inspection Decision 120 of the United States Department of Agriculture. Both the Government and the claimant rely upon said Decision 120 in connection with the general provisions of the act in support of their variant contentions.

A great amount of testimony, expert and otherwise, was taken at the hearing. The issue framed is, however, not a complex one. It is incumbent upon the Government to establish, by a fair preponderance of the evidence, to the satisfaction of the court, first, that the contents of the barrels libeled were not Ohio claret wine within the purview of the law and of the definition established by the food department, and accepted and invoked by the claimant; second, that the contents of said barrels were a pomace wine outright or that a pomace wine had been substituted, in whole or in part, for Ohio claret wine. It will be readily seen, therefore, that the determination of the controversy must depend upon what the court finds the article to be, and it is to the solution of this disputed question that the evidence is directed. It follows that

it is first necessary to determine what a legitimate claret wine must be; second, what the contents of these barrels have been shown to be. Great prolixity of statement on the part of witnesses and the pronounced technicality which characterizes the expert chemical testimony introduced render impracticable an extended analysis, in this memorandum, of the evidence produced at the trial. It will be sufficient if the court adverts with sufficient exactness to the essentials disclosed which control the conclusions reached.

Decision No. 120, above referred to, permits the addition of a sugar solution to grape must before fermentation. If the resulting product by complete fermentation of the must under proper cellar treatment does not contain less than five parts per thousand acid and not more than 13 per cent of alcohol after complete fermentation, that product may be labeled "Ohio Wine," qualified by the name of the particular kind or type to which it belongs. Respecting pomace wine, said Decision No. 120 has this to say:

"The product made in Ohio and Missouri by the addition of water and sugar to the pomace of grapes from which the juice has been partially expressed, and by fermenting the mixture until a fermented beverage is produced, may be labeled as 'Ohio Pomace Wine' or 'Missouri Pomace Wine' as the case may be. If a sugar solution be added to such products for the purpose of sweetening after fermentation they should be characterized as 'Sweet Pomace Wines.' The addition to such products of any artificial coloring matter or sweetening or preservative other than sugar must be declared plainly on the label to render such products free from exception under the Food and Drugs Act."

We have then comprehended within the same decision the definition of Ohio claret wine and of Ohio pomace wine, which must govern this discussion, and to which in fact both parties appeal for justification. It will be noted that the permission to add artificial coloring matter is necessarily confined, by construction and context, to pomace wine. It appears in view of the earlier clauses of the decision, to wit:

"It has been decided after a careful review that the previous announcement is correct and that the term 'wine' without further characterization must be restricted to products made from untreated must without other addition or abstraction than that which may occur in the usual cellar treatment for clarifying and aging."

That with the exception of the addition of the sugar solution thereafter expressly permitted, all other additions and abstractions are excluded. Claret wine made from the entire content of the grape is conceived to require no addition of artificial coloring. Pomace wine made from the impoverished content remaining after the partial expression of the juice requires such coloring to render it merchantable, and to such the use of harmless coloring matter is restricted. No offense is charged because of the addition of the coloring matter if the product should be held to be a claret wine; but this state of the law is pertinent as bearing upon the identity of this product. It is a matter to be considered by the court whether parties familiar with the law would be presumed to add coloring matter to a product from which, by the terms of the act, it is, at least inferentially, excluded, and whether they would not, in like manner, be presumed to add coloring to a product for which it is expressly permitted.

A pomace wine then, under this act and within the designated territory, is any product made by the addition of water and sugar to the pomace of grapes from which the juice has theretofore been partially expressed and by fermenting the mixture until a fermented beverage is produced. Under this definition it is immaterial to what extent the juice has been partially expressed—whether to a limited degree or almost entirely. The resulting product, made in other respects as it is contended and admitted that this article was made, would be a pomace wine, and if such a situation is established by the evidence, then the charge in the libel is sustained; as also, if a product thus falling within the definition of pomace wine has been added to or substituted for an unimpeachable Ohio claret wine.

It is necessary, as well as desirable, then, at the outset, to determine, if possible, some characteristic of Ohio claret wine which stamps and identifies it as the legitimate product, and the absence of which condemns the product as spurious in the eye of the law. The Government, in this case, takes the positive ground that that essential characteristic is total tartaric acid, whether free or in the form of cream of tartar or both; that in the finished wine, made in accordance with the law, that constituent must not fall below a minimum fixed as 0.2 per mille. If it is found in appreciably less quantity than that, its absence indicates that a part of the total grape content has been withdrawn. In other words, that the product has been made from a pomace of grapes from which the juice containing the missing percentage of this characteristic acid has been partially expressed. This contention is, of course, combatted by the claimant.

The so-called wine under discussion was made by the claimant company at Sandusky, Ohio, from red grapes alleged to have been of Concord and Ives varieties in about equal proportions. These grapes were said to be not quite up to the standard, in that they were a little light in color, with a few berries, on some of the bunches, evidencing a slight effect of hail. They were, however, of fair quality and were up to the standard in that particular district for that year. They were delivered at the winery in the early part of October, 1912, and were treated, and are alleged to have been made into wine that fall. About one year thereafter, to wit, October 13, 1913, claimant shipped 60 barrels of this product to Antonio Basile & Co., Italian wine merchants, located in the north part of Kansas City, Mo. It was sold for 32 cents per gallon, being 5 or 5½ cents less than the average price of Ohio claret wine at that time, and 4 cents more than the average price of pomace wine. This shipment was received in Kansas City 10 days thereafter, and, before storage by the purchaser, a food and drug inspector drew from one of the barrels four full quart bottles; these bottles were securely corked and the seal of the Bureau of Chemistry placed thereon. An analysis was made of two parts of this sample by Mr. Ingle, a chemist of the Bureau of Chemistry, on the 23d day of November, 1913. This analysis resulted, December 2, 1913, in the seizure upon which this libel is based. This chemist Ingle was not at the trial, and after some debate between counsel his analysis was not introduced in evidence. However, on January 27, 1914, another chemist of the department, named Hartmann, analyzed one of the four bottles thus taken. He testifies that this bottle was full, well corked, and in good condition when his analysis was made. The samples taken had been carefully packed and forwarded by express to the Bureau of Chemistry of the United States Department of Agriculture at Washington. One of these bottles was, in like manner, delivered to the claimant company, and by it transmitted to its chemist Robinson. Dr. Robinson also made his analysis thereof on April 2, 1914. He testifies that this bottle, when he received it, had leaked and that, from the condition of the cork, air had been admitted. The bottle itself when produced bore evidences of this condition.

The final result of the testimony was that Dr. Hartmann's analysis is, and is substantially conceded to be, correct. Dr. Robinson, on behalf of claimant, stated that he had no reason to criticize it; that such differences as existed between [Dr. Hartmann's analysis] and his own, aside from those due to the usual differences in computation by different analysts, would be naturally accounted for by what might be presumed to be the difference in condition of the bottles when received by the respective chemists. So that we may start with the presumption that the analysis made by Dr. Hartmann, on behalf of the Government, was substantially correct. This analysis showed that the product contained a total acidity of 0.649 and total tartaric acid of 0.05. It will be noted that the total tartaric acid was but one-fourth of the amount fixed by the Government as the necessary minimum of a true wine product. The total acid agrees substantially with that testified by the claimant as having been shown at the winery by the acidimeter test. The wine left Sandusky presumably properly prepared for transportation by experienced dealers. The railroad company presumably handled it in accordance with approved methods. These presumptions stand uncontradicted in the record. But 10 days had elapsed between the date of this shipment and that on which the analyst's samples were taken. It may fairly be assumed that on the latter date it was in substantially the same condition as when it started; and the analysis, as respects the total acid content, confirms this presumption. Of that total acid content but 0.05 was tartaric acid in any form. The Government regards this as determinative of the controversy. The defense minimizes its importance.

All of the chemists finally agree, substantially, that tartaric acid is the characteristic acid of the grape. It is that which distinguishes it from other fruits. This fruit alone contains this type of acid in marked degree. It is the predominant and identifying acid of the grape. Dr. Alwood, on behalf of the Government, states that tartaric acid in no less percentage than 0.2 must be found in any authentic Ohio claret wine. Dr. Robinson says that the presence of tartaric acid in any fixed amount is no test of purity. The experience and qualifications of Dr. Alwood are fully set forth in the record and will not be repeated here. It may be sufficient to say that he has been for many years attached to the Bureau of Chemistry; that he is an expert in viniculture of international reputation; he has spent approximately seven years at the head of the Government's experimental station for the express purpose, among other things, of determining the exact characteristics of authentic wines, particularly in the Sandusky, Ohio, district. This service had no commercial object in view. The purpose was to establish, by unimpeachable experimentation, the exact qualities and characteristics of true wines, such as the food and drugs department has to deal with. He has made a vast number of experiments under conditions calculated to produce exact and practical results. From these he states with great positiveness that no

true Ohio claret wine can possibly contain less than 0.2 [per cent] of tartaric acid even when aged to the extent of three years and under exacting filtration; that in the wines he has made he has never found it so low as that, but usually about 0.3, and even as high as 0.5; that in no condition, here shown to exist, or which we are justified in assuming, in connection with this discussion, can that tartaric acid disappear to any appreciable extent. The minimum of 0.2 is placed arbitrarily as a matter of extreme concession in the interest of justice, although he freely states that he does not believe it can fall that low in an authentic wine. In addition to his own manufacture of wines he has examined a large number of commercial samples and finds that the great majority corroborate his own experiments. It is true that in some a smaller percentage of tartaric acid is found, but they were, as has been said, from commercial samples not authenticated and subject to legitimate suspicion as to the methods employed in their manufacture.

Dr. Robinson, the chemist employed by claimant, has analyzed a great many samples of the wines of commerce bought in the usual manner upon the market and otherwise unauthenticated and of unknown history. From such experiments he draws the deduction that the presence of tartaric acid is too inconstant to serve as a dependable test of purity. He also cites text books, compilations, etc., which do not affirmatively prescribe this test, and some of which do not disclose the presence of the percentage insisted upon by the Government. Dr. Alwood, in his rebuttal testimony, has to a very large extent explained and reconciled this apparent discrepancy. It may be sufficient to observe that none of the text writers submitted are shown to have been wine experts. Moreover, nearly all the data collected come from widely separated territories and involve conditions and methods which differ greatly from those to be found in the Ohio district. They also very greatly antedate the passage of the Food and Drugs Act. They concern a period when the objects to be obtained by that act were not prominently in mind and when the very practices may be presumed to exist which that law was enacted to remedy. We may likewise not ignore the possibility, if not the probability, that practices still exist, as exemplified in commercial products, that are in conflict with the provisions of the Food and Drugs Act. Experiments made from such products can in no sense compare with those made by Dr. Alwood with the sole object of establishing dependable scientific standards. As has been said, Mr. Krudwig testified that the grapes used were not quite up to the standard, in that they were a little light in color with a few berries on some of the bunches evidencing a slight effect of hail. They were, however, stated to be of fair quality and were up to the standard for that particular district for that year. This being so, their inferiority, if they were appreciably inferior, could not account for the low tartaric acid content, and it conclusively appears from the testimony that grapes a little underripe carry even a higher percentage of that acid. It must be remembered also that this wine was but a year old and had not been subjected to the severer processes of filtration applied by Dr. Alwood in his tests, which were made with wine at least three years old. A higher percentage of the characteristic fruit acid should be found in the younger wine.

Dr. Robinson, on behalf of claimant, having stated it to be his opinion that tartaric acid in claret wine varied so greatly in amount that it should be disregarded as a test of purity, proceeded to detail other chemical properties by which the character of wine could be determined. The following questions and answers were propounded and returned:

"The COURT. Doctor, in view of the matters which you have eliminated as proving nothing respecting the contents of the product and its relation to whether it was or was not a fruit juice, what have you left there in chemical analysis which stamps the product as the pure product of the grape?

"Answer. Well, the total solids, the nonsugar solids, the ash and the character of the ash, the natural color, flavor and aroma.

"The COURT. Laying aside the color, the aroma and that sort of thing, might not those other abstract properties which you have referred to be produced from other than grape or fruit products?

"Answer. Well, that is possible to some extent.

"By counsel:

"Do you have any reason to question the accuracy of the Government chemists' analysis of this wine?

"Answer. No, sir; not in the least.

"Question. Have you ever found a single instance in which said grape juice did not contain tartaric acid?

"Answer. Grape juice, as I said before, I never found a single instance in which tartaric acid was entirely out of grape juice."

If we accept the contention of the claimant in this regard these anomalies are presented: Tartaric acid is the characteristic acid of the grape; it is the predominant acid

distinguishing the grape from other fruits. Nevertheless we are told that it is not necessarily found in any marked degree in a grape wine product. We are left, in the matter of chemical analysis, to other abstract properties which may be found as well in other than grape or fruit products. In other words, we may and must disregard the characteristic, distinctive, and predominant ingredient—the very essence as it were, of the grape. This is to say, that we are left without the most obvious and convincing means of identifying a true claret wine. I can not accept such a paradox. Other matters were dwelt upon in the testimony; notably, the pentosans and the alkalinity of the ash. I do not base my decision upon this branch of the testimony. It is sufficient to say, however, that its ultimate effect tends strongly to corroborate and confirm the conclusion based upon the crucial tartaric acid test. Wine experts were produced who applied the tests of taste and smell to the libeled product. The consensus of their testimony was that that product was not a claret wine. Claimant's explanation of this was that the wine had spoiled; that destructive acetic acid fermentation had set in to such an extent as to render such tests untrustworthy. This, so far as the court can perceive, is the full effect of what has been spoken of as the defense of acetic acid. The testimony does not justify the inference that the wine differed materially in acetic acid content at the time the first samples were withdrawn, compared with its condition on the date of shipment. The cooperage of the barrels from which the latter samples were taken was unimpaired. This subject, as dealt with by the chemists, requires no elaboration here. In view of all the circumstances, nothing in that defense accounts for the absence of the predominant acid of the grape as shown by the analyses.

In further defense claimant produced two witnesses, Mr. Krudwig, a member of the claimant company, and Mr. Crathwal, its foreman, who testified positively that the contents of the barrels are Ohio claret wine and not pomace wine, in whole or in part. With respect to these witnesses, the court, in all kindness, must point out that their claim of scrupulous personal attention to every detail affecting this wine from the time the grapes went into the press until the shipment a year later, presents a remarkable departure from the ordinary and usual course of business, even at their own winery. Their recollection of each step taken, at a time so far removed from the actual occurrences, is not less remarkable. Their interest is, of course, conceded, and the fact that there were at that time in the winery at least 25,000 gallons of pomace wine, used, among other things, for blending purposes. To reject of in any sense to discredit the positive testimony of an individual witness is never a pleasant duty for the court; but it is the settled rule of the Court of Appeals of this circuit, and, I believe, in practically all Federal and State jurisdictions, that where the testimony of a witness is positively contradicted by the physical facts, neither the court nor a jury can be permitted to credit it. (Missouri, Kansas & Texas Ry. Co. *v.* Collier (C. C. A.), 157 Fed. 347.) If these barrels, otherwise shown to be intact, had been found to contain pork, no witness could be indulged in the statement that he personally packed them with beef. To my mind, the proof that the contents of these barrels are not an Ohio claret wine, as concededly defined, is not less positive and convincing. The testimony of Dr. Alwood and Dr. Hartmann as to the contents of these barrels, chemically considered, is not opinion testimony. It is scientific testimony based upon actual facts. By exhaustive experimentation they have determined, as other facts are determined, that grapes in this district produce a certain reasonably definite wine product. On the other hand, when they pronounced this to be a pomace wine, in the state of the record, they entered the realm of opinion testimony. The court accepts it as such, persuasive and conclusive in its effect as the circumstances may warrant. I am firmly of the opinion that the contents of these barrels, as shown by the analysis, are not and can not be Ohio claret wine. That they are pomace wine, in whole or in part, as defined in Food Inspection Decision No. 120, seems clearly established; because, in no other manner than by partial expression of the juice and subsequent fermentation, as described in that decision, can the absence of the characteristic grape content be explained. If the product has been reduced in quality by the addition of pomace wine, the charge in the libel is equally sustained. The Government has established its case in every substantial particular by a fair preponderance of the testimony, which must be credited by the court, and a decree will be entered accordingly.

On October 10, 1914, the final decree of the court was entered, finding the product misbranded in conformity with the foregoing opinion, and it was ordered that the product should be delivered to said claimants, upon payment of the costs of the proceedings, and the execution of bond in the sum of $1,000, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3530. Adulteration of canned peas. U. S. v. 4 Cases of Canned Peas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5465. I. S. No. 5286-h. S. No. 2037.)

On or about December 8, 1913, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 cases, each containing 100 cans of peas, remaining unsold in the original unbroken packages at Memphis, Tenn., alleging that the product had been shipped from the State of New York into the State of Tennessee, the shipment having been received on or about October 3, 1913, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Average net weight 13 oz. Jumel Brand, Very Fine Peas, Colored with sulphate of copper — Packed in Belgium."

Adulteration of the product was alleged in the libel for the reason that the product consisted in part of an added poisonous and deleterious substance, to wit, copper and [a] sulphate of copper, which is poisonous and deleterious.

On May 27, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3531. Adulteration of canned peas. U. S. v. 3 Cases of Canned Peas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5466. I. S. No. 5284-h. S. No. 2038.)

On or about December 8, 1913, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 cases, each containing 100 cans of peas, remaining unsold in the original unbroken packages at Memphis, Tenn., alleging that the product had been transported from the State of New York into the State of Tennessee and delivered on or about October 2, 1913, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On cans) "Alimentary Preserves—Very fine peas—Contents 14¾ oz. Jumel brand—Wespelaer Belgium—Colored with sulphate of copper."

Adulteration of the product was alleged in the libel for the reason that it consisted in part of an added poisonous and deleterious substance, to wit, [a] sulphate of copper, which is poisonous and deleterious.

On May 27, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3532. Adulteration of desiccated eggs. U. S. v. 1 Barrel of Desiccated Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5476. I. S. No. 5287-b. S. No. 2048.)

On or about December 12, 1913, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel containing 200 pounds of desiccated eggs, remaining unsold in the original unbroken package at Memphis, Tenn., alleging that the product had been transported from the State of Texas into the State of Tennessee, the shipment being delivered on or about December 2, 1913, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the product was adulterated in that it was composed of an excessive number of organisms, including organisms of a gas-producing type; acidity of fat and ammonia nitrogen [were] excessive for good dried eggs; the appearance and color were poor; the odor was sour and very offensive; and that the product consisted of impure, decomposed, and deleterious animal matter.

On May 27, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3533. Adulteration of tomato catsup. U. S. v. 10 Cases, More or Less, of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5481. I. S. No. 5109-h. S. No. 2053.)

On December 17, 1913, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of said District, holding a district court, a libel for the seizure and condemnation of 10 cases, each containing 2 dozen 10-ounce bottles of tomato catsup, remaining unsold in the original unbroken packages at Washington, D. C., alleging that the product had been transported from the State of Pennsylvania into the District of Columbia, and charging adulteration in violation of the Food and Drugs Act. Each of the cases was labeled in part: "2 doz. 10 oz. Crubro Ketchup. Cruikshank Bros. Co., Pittsburgh, Pa., U. S. A." Each of the bottles was labeled in part: "Crubro Tomato Ketchup Made from fresh ripe tomatoes, pure spices, sugar, vinegar and salt. Not artificially preserved or colored. Cruikshank Bros. Co. Pittsburgh, Pa. U. S. A."

Adulteration of the product was alleged in the libel for the reason that it was in a filthy and decomposed condition.

On November 18, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3534. Adulteration of tomato catsup. U. S. v. 4 Cases, More or Less, of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5483. I. S. No. 1684-h. S. No. 2054.)

On December 17, 1913, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of said District, holding a district court, a libel for the seizure and condemnation of 4 cases, each containing 3 dozen 7-ounce bottles of tomato catsup, remaining unsold in the original unbroken packages at Washington, D. C., alleging that the product had been transported from the State of Pennsylvania into the District of Columbia, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled in part: "3 Doz. 7 oz. Cruikshank's Tomato Ketchup—Cruikshank Bros. Co., Pittsburgh, Pa. U. S. A." Each of the bottles was labeled in part: "Crubro Tomato Ketchup—Made from fresh ripe tomatoes, pure spices, sugar, vinegar and salt. Not artificially preserved or colored. Cruikshank Bros. Co., Pittsburgh, Pa."

Adulteration of the product was alleged in the libel for the reason that it was in a filthy and decomposed condition.

On November 18, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3535. Adulteration of tomato catsup. U. S. v. 50 Barrels, More or Less, of Catsup. Tried to the court. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 5492. I. S. No. 6528-h. S. No. 1999.)

On December 19, 1913, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and, during February, 1914, an amended libel, for the seizure and condemnation of 50 barrels, more or less, of tomato catsup, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the product had been shipped on or about October 14, 1913, and transported from the State of Kentucky into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Kentucky Belle Tomato [design of a large, red, ripe tomato] Catsup Contains 1/10 of 1% Benzoate of Soda Price and Lucas Cider and Vinegar Co. Inc. Louisville, Kentucky. Guaranteed Serial No. 3390."

It was alleged in the libel and amended libel that the product was in a state of decomposition and consisted in part of a decomposed vegetable substance and was adulterated within the meaning and intent of the Food and Drugs Act, and especially of paragraph 6 of section 7 thereof, and was subject to seizure, condemnation, and destruction.

On July 2, 1914, the Horseshoe Pickle Works (Ltd.), New Orleans, La., claimant, having filed its answer and the court having heard the pleadings and the evidence, judgment of condemnation and forfeiture was entered and it was ordered that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3536. Adulteration and misbranding of wine. U. S. v. 3 Barrels of Ohio Sherry Wine. Default decree of condemnation and forfeiture. Product distributed to charitable institutions. (F. & D. No. 5496. I. S. No. 2497-h. S. No. 2060.)

On December 18, 1913, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 barrels of so-called Ohio sherry wine, remaining unsold in the original unbroken packages at Detroit, Mich., alleging that the product had been shipped on November 7, 1913, and transported from the State of Ohio into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Jno. G. Dorn Ohio Sherry Wine Sandusky O."

It was alleged in the libel that the shipment of wine contained articles that were misbranded within the meaning and in violation of the act of Congress of June 30, 1906, known as the Food and Drugs Act, and were liable to seizure and condemnation in that said article of food was misbranded in violation of paragraph 1 of section 8 of said act, and also misbranded in violation of paragraph 2 of said section 8 of said act, under the classification of food, and that said article was further liable to condemnation in that it was adulterated in violation of section 7 of said Food and Drugs Act, and paragraph 1 under food in this act, an examination of the samples of said product by the Bureau of Chemistry of the Department of Agriculture having revealed that the product was imitation sherry wine, prepared from pomace and starch sugar, and containing sodium benzoate, a preservative, the presence and amount of which had not been declared on said label and had been substituted wholly or partly for sherry wine. It was further alleged that the product was liable to condemnation and confiscable under the terms and provisions of said act and section 10 thereof, for the reasons that each of said barrels by the label contained thereon was labeled and printed [branded] so as to deceive and mislead the purchaser thereof, and said product was adulterated in that a substitution [substitute] had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, and that a substance had been substituted in part for the article, an analysis disclosing the fact that said product was an imitation of sherry wine, prepared from pomace and starch sugar, and containing sodium benzoate, a preservative as aforesaid, said misbranding, labeling, and adulterating as aforesaid constituting a violation within the meaning of said act of June 30, 1906.

On September 3, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be distributed by the United States marshal to certain charitable institutions, after the label upon the barrels was removed and the barrels plainly labeled and marked "Imitation Wine Preserved with 1/10 of 1 per cent benzoate soda."

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3537. Adulteration of tomato pulp. U. S. v. 800 Cans, More or Less, of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5498. I. S. No. 2181-h. S. No. 2066.)

On December 23, 1913, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 800 cans of tomato pulp, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on October 29, 1913, and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted wholly of a filthy vegetable substance; for the further reason that it consisted in part of a filthy vegetable substance; for the further reason that it consisted wholly of a decomposed vegetable substance; for the further reason that it consisted in part of a decomposed vegetable substance; for the further reason that it consisted wholly of a putrid vegetable substance; and for the final reason that it consisted in part of a putrid vegetable substance.

On February 13, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3538. Adulteration of beans. U. S. v. 300 Bags of Beans, More or Less. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5505. I. S. No. 2356-h. S. No. 2046.)

On December 29, 1913, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 bags of beans, more or less, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the product had been transported from the State of Michigan into the State of Maryland and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel because it consisted of decomposed and putrid vegetable substance, to wit, decomposed and putrid beans.

On February 10, 1914, Arthur W. Palmer, Baltimore, Md., claimant, as the agent of the Richmond Elevator Co., Lenox, Mich., having filed his answer admitting the allegations of the libel, and consenting to a decree, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of $300, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3539. Adulteration of desiccated eggs. U. S. v. 2 Barrels of Desiccated Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5510. I. S. No. 1954-h. S. No. 2074.)

On January 7, 1914, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the said district a libel for the seizure and condemnation of 2 barrels of desiccated eggs, remaining unsold in the original unbroken packages at Los Angeles, Cal., alleging that the product had been shipped on or about December 2, 1913, from the State of Texas into the State of California, and charging adulteration in violation of the Food and Drugs Act. The product was labeled, "Bishop & Co., Los Angeles, Powd. eggs."

Adulteration of the product was alleged in the libel for the reason that it consisted, in whole and in part, of a filthy, decomposed, and putrid animal and vegetable substance.

On February 9, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3540. Misbranding of Freckeless. U. S. v. John Emmett Barry (J. E. Barry & Co.). Plea of guilty. Fine, $10. (F. & D. No. 5512. I. S. No. 141-e.)

On October 5, 1914, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Emmett Barry, trading under the firm name and style of J. E. Barry & Co., Paris, Tex., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about April 27, 1912, from the State of Texas into the State of Missouri, of a quantity of an article of drug called "Freckeless" which was misbranded. The product was labeled: "Serial No. 20841 Price 50 cents A superior skin food and massage cream Freckeless Label registered For the removal of freckles, tan, etc. J. E. Barry & Co., Paris, Texas. The Superior Skin Food & Massage Cream, prepared upon scientific principles. As harmless as it is sure. Serial No. 20841. For the removal of Freckles, Tan, Sunburn and other Facial blemishes without the least injury to the skin. Does not cause a growth of superfluous hair. The use of Freckeless, freckeless skin soap and freckeless toilet powder in the treatment of the complexion brings about results that are invariably pleasing and gratifying. See directions on bottom of box. Directions, with the tips of the fingers apply a small quantity of Freckeless to the face, massaging thoroughly for several minutes. In the morning wash face in cold water, lathering well with Freckeless Soap. Repeat each night until desired result is produced. The occasional use of Freckeless will maintain a healthy, clear complexion. We recommend Freckeless Toilet Powder as being absolutely pure and harmless. J. E. Barry & Co., Paris, Texas, Serial Number 20841."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that the product was an ointment consisting largely of petrolatum, carrying in suspension about 10 per cent of bismuth subnitrate and 12 per cent of ammoniated mercury.

Misbranding of the product was alleged in the information for the reason that the label thereon bore the following statement, to wit, "As harmless as it is sure," which said statement was false and misleading in that it purported and represented to purchasers of said article that the same was free from any and all ingredients generally recognized as harmful, poisonous, and deleterious to the human system, whereas, in fact, said article was not free from substances which are generally recognized as harmful, poisonous, and deleterious to the human system, but was manufactured in part from and contained as one of its ingredients a certain substance, generally recognized as harmful, poisonous, and deleterious to the human system, to wit, ammoniated mercury. Misbranding was alleged for the further reason that said article of drug bore as a part of the label thereof the following statement, to wit, "A superior skin food," which said statement was false and misleading in that it purported and represented that said article of drug was food for the skin and contained ingredients capable of acting as a food for the skin, whereas, in truth and in fact, said article was not a food for the skin and did not contain any ingredient or combination of ingredients capable of acting as a food for the skin.

On October 19, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3541. Adulteration and misbranding of so-called fine sherry and fine port. U. S. v. Paul Steinberg et al. (Rothschild Bros.). Plea of guilty. Fine, $25 and costs. (F. & D. No. 5514. I. S. Nos. 24408-e, 24409-e.)

On May 7, 1914, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Paul Steinberg and Moses Westheimer, copartners, trading under the firm name and style of Rothschild Bros., Philadelphia, Pa., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about February 20, 1913, from the State of Pennsylvania into the State of New York, of quantities of so-called fine sherry and fine port, which were adulterated and misbranded. The so-called fine sherry was labeled: (On head of barrel) "Guaranteed under U. S. Serial No. 10084 Food & Drugs Act June 30-1906. Fine Sherry from Rothschild Bros., Rectifiers & Wholesale Liquor Dealers 214 S. Front St., Philad'a." (On opposite end) "Fine Sherry." (On shipping tag) "D. J. Cavanaugh 10 Elk St., Buffalo, N. Y. c/o Buffalo S & C Co. From Rothschild Bros. Sole Proprietors Rothschild's old No. 6 Whiskey 214 South Front Street, Philadelphia."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed that it was a domestic product, and not a sherry from Spain. There was present in the product 0.0168 gram of sulphates as SO_3 per 100 cc.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, California sherry wine, had been substituted wholly or in part for genuine sherry wine, which the article purported to be. Misbranding was alleged for the reason that the article bore, as a part of the label thereof, the following statement, to wit, "Fine Sherry," which said statement was false and misleading in that it purported and represented to purchasers that said article of food was genuine sherry wine, an article produced in Spain, whereas, in truth and in fact, said article was not a genuine sherry wine, but a California sherry wine. Misbranding was alleged for the further reason that the product bore the aforesaid label, which purported and represented that the article was a foreign product, whereas, in truth and in fact, it was not a foreign product but was a domestic product.

The so-called fine port was labeled: (On barrel head) "Guaranteed Under U. S. Serial No. 10084 Food & Drugs Act, June 30, 1906. Fine port. From Rothschild Bros. Rectifiers & Wholesale Liquor Dealers 214 S. Front St. Philad'a." (On opposite end) "Fine Port." (On shipping tag) "D. J. Cavanaugh 10 Elk St., Buffalo, N. Y. c/o Buffalo S. & C. Co. From Rothschild Bros. Sole proprietors. Rothschild's old No. 6 Whiskey, 214 South Front Street, Philadelphia."

Analysis of a sample of this product by said Bureau of Chemistry showed that it was a domestic product, and not a port wine from Portugal.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, California port wine, had been substituted wholly or in part for genuine port wine, which the article purported to be. Misbranding was alleged for the reason that the article bore, as a part of the label thereof, the following statement, to wit, "Fine Port," which said statement was false and misleading in that it purported and represented to purchasers that the article was genuine port wine, an article produced in Portugal, whereas, in truth and in fact, it was not a genuine port wine but was a California port wine. Misbranding was alleged for the further reason that the article was labeled as aforesaid, which said label purported and represented that the article was a foreign product, whereas, in truth and in fact, said article was not a foreign product but was a domestic product.

On June 19, 1914, a plea of guilty was entered on behalf of the defendant concern, and the court imposed a fine of $25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3542. Adulteration and misbranding of tomato catsup. U. S. v. 10 Cases, More or Less, of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5515. I. S. No. 5148-h. S. No. 2076.)

On January 13, 1914, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of said District, holding a district court, a libel for the seizure and condemnation of 10 cases, each containing 2 dozen 16-ounce bottles of tomato catsup, remaining unsold in the original unbroken packages at Washington, D. C., alleging that the product had been transported from the State of West Virginia into the District of Columbia, the shipment arriving on or about November 20, 1913, and charging adulteration and misbranding in violation of the Food and Drugs Act. The cases were labeled in part: "2 Doz. No. 16 oz. Stag Brand Catsup Packed by The E. C. Flaccus Co., Wheeling, W. Va., U.S.A. Preserved with 1/10 of 1% Benzoate of Soda." Each of the bottles was labeled in part: "Flaccus Catsup Trade Mark [head of stag] Preserved with 1/10 of 1% Benzoate of Soda Prepared by The E. C. Flaccus Co., Wheeling, W. Va. U.S.A." (Neck label) "Stag Brand Trade Mark [design head of stag] A Guarantee of Purity The E. C. Flaccus Co., Wheeling, W. Va., U.S.A."

Adulteration of the product was alleged in the libel for the reason that it was partly decomposed. Misbranding was alleged for the reason that each of the bottles was labeled and branded as follows: "Stag Brand Trade Mark [design head of stag] A Guarantee of Purity The E. C. Flaccus Co., Wheeling, W. Va., U.S.A.," which labels were false and misleading and deceptive to the purchaser, in that they severally represented the contents of the bottles to be severally pure, whereas, in truth and in fact, the contents of each of said bottles were partly decomposed and adulterated.

On November 18, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3543. Adulteration of tomato pulp. U. S. v. 1,000 Cans of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5524. I. S. No. 8085-h. S. No. E-50.)

On June 4, 1914, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,000 cans, each can containing 5 gallons of tomato pulp, remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the product had been shipped on May 27, 1914, and transported from the State of Indiana into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance deleterious[1] to health.

On June 22, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

[1] When this case was reported for action it was not claimed by this department that the product was of a deleterious character.

3544. Adulteration and misbranding of sciroppo di tamarindo. U. S. v. Basilea-Calandra Co. Plea of guilty. Fine, $50. (F. & D. No. 5528. I. S. No. 766-e.)

On June 11, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Basilea-Calandra Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on April 10, 1912, from the State of New York into the State of Colorado, of a quantity of sciroppo di tamarindo which was adulterated and misbranded. The product was labeled: "Sciroppo di Tamarindo (picture of female) Bascal Trade Mark Registered Gradevole. Rinfrescante The original contents of this package constitute a compound Compounded and Bottled in New York, N. Y."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Solids by refractometer (per cent)	66.91
Reducing sugar as invert before inversion (per cent)	64.7
Sucrose, by copper (per cent)	1.33
Acidity, as tartaric (per cent)	1.15
Nonsugar solids (per cent)	0.88
Acidity (cc N/10 alkali per 100 grams)	153.5
Ash (per cent)	0.098
Alkalinity of ash (cc N/10 acid per 100 grams)	17.9
Phosphoric acid (P_2O_5) (per cent)	0.0039
Citric acid: Negative.	
Colored with caramel (Amthor's test).	
Color (degrees in $\frac{1}{2}$-inch cell, brewer's scale)	280

Adulteration of the product was alleged in the information for the reason that a substance, to wit, a sugar solution flavored with tartaric acid and colored with caramel, had been substituted wholly or in part for the genuine tamarind sirup, which the article purported to be, and for the further reason that the said article was colored with caramel in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that the statement "Sciroppo di Tamarindo," appearing on the label aforesaid, regarding the article and the ingredients and substances therein contained, was false and misleading in that it indicated that said article was a genuine tamarind sirup, whereas, in truth and in fact, it was not a genuine tamarind sirup, but was a sugar solution flavored with tartaric acid and colored with caramel. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Sciroppo di Tamarindo," thereby indicating that the article aforesaid was a genuine tamarind sirup, whereas, in truth and in fact, it was not a genuine tamarind sirup, but was a sugar solution flavored with tartaric acid and colored with caramel.

It was further alleged in the information that on February 27, 1912, a criminal information was filed in the United States District Court for the Southern District of New York, charging said defendant with a violation of the Food and Drugs Act, and that on March 11, 1912, the said defendant pleaded guilty to the information and sentence was suspended.

On June 15, 1914, the defendant company entered a plea of not guilty in the present case, and on June 25, 1914, a demurrer to the information was interposed on the ground that a second offense could not properly be charged, as the product in the present case was a different product from the one upon which the first conviction was had. On July 24, 1914, the demurrer was overruled by the court (Grubb, *J.*) and an order entered to that effect.

On October 6, 1914, the defendant company withdrew its plea of not guilty previously entered and entered a plea of guilty to the information in the present case, and the court imposed a fine of $50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3545. Misbranding of "Vino Siciliano." U. S. v. C. Schilling & Co. Plea of guilty. Fine, $10. (F. & D. No. 5531. I. S. No. 1149-e.)

On October 8, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against C. Schilling & Co., a corporation, New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on September 19, 1912, from the State of New York into the State of Massachusetts, of a quantity of "Vino Siciliano" which was misbranded. The product was labeled: (On shipping package) "Vino Siciliano—Guaranteed under the Food & Drugs Act June 30, 1906—Tipo Palermo—Preparato per la ditta A. Di Pietro & Co., Boston, Mass." (Reverse head) "Lomas Azules Vineyards—Pure California Vino Catania Guaranteed under Food & Drugs Act, June 30, 1906, Reg. No. 20109. Food & Drugs Act June 30, 1906." (Shipping tag) "C. Schilling & Co. Inc. 53 Greenwich Avenue California Wines." (In pencil) "A. D. Pietro & Co., Boston, Mass."

Investigation by the Bureau of Chemistry of this department showed that the product was not a vino Siciliano, but a common grade of domestic claret, cloudy and somewhat sour sweetish and highly sulphured. Analysis showed 150 milligrams of sulphur dioxid (SO_2), an excess for normal red wine.

Misbranding of the product was alleged in the information for the reason that the statements "Vino Siciliano * * * Tipo Palermo," appearing on the label, regarding the article and the ingredients and substances therein contained, were false and misleading in that they indicated that the article was a Palermo type of Sicilian wine, whereas, in truth and in fact, it was not a Palermo type of Sicilian wine, but was a domestic claret wine. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Vino Siciliano * * * Tipo Palermo," thereby indicating that it was a Palermo type of Sicilian wine, whereas, in truth and in fact, it was not a Palermo type of Sicilian wine, but was a domestic claret wine. Misbranding was alleged for the further reason that the statements "Vino Siciliano * * * Tipo Palermo," appearing on the label of the article, purported and represented that it was a foreign product, to wit, a product of Sicily, whereas, in truth and in fact, it was not a foreign product nor a product of Sicily, but was a domestic product.

On October 14, 1914, the defendant company entered a plea of guilty to the information and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3546. Adulteration and misbranding of northern Ohio sirup and northern Ohio sugar. U. S. v. 67 Cases of Northern Ohio Sirup and 9 Cases of Northern Ohio Sugar. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5534. I. S. Nos. 1458-h, 1474-h, 1473-h, 1472-h. S. No. 2085.)

On January 19, 1914, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 67 cases of northern Ohio sirup and 9 cases of northern Ohio sugar, the containers and packages in said cases being of varying sizes, remaining unsold in the original unbroken packages at Saginaw, Mich., alleging that the product had been shipped on or about October 6, November 5, and November 25, 1913, and transported from the State of Ohio into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act. The cases were labeled, "The Northern Ohio Syrup & Mfg. Co. Cleveland, Ohio." The bottles of sirup were labeled, "Pure Northern Ohio Syrup—Manufactured and Guaranteed by the Northern Ohio Syrup and Mfg. Co., Cleveland, Ohio, under the Food & Drugs Act, June 30, 1906.—52636." The packages of sugar were labeled: "Pure Northern Ohio Sugar—Guaranteed by The Northern Ohio Syrup and Mfg. Co.—Cleveland, Ohio.—Serial 52636."

It was alleged in the libel that the articles were misbranded in violation of the act of Congress of June 30, 1906, and were liable to condemnation and confiscable as provided by the terms and conditions of said act for the reason that each of said packages was by the label appearing on the face of each of the cases included in the shipments, to wit, "The Northern Ohio Syrup and Mfg. Co., Cleveland, Ohio," and each of the bottles contained in said cases was by the label appearing thereon, to wit, "Pure Northern Ohio Syrup—Manufactured and Guaranteed by the Northern Ohio Syrup and Mfg. Co., Cleveland, Ohio, under the Food & Drugs Act, June 30, 1906.—52636," and that said packages of sugar were misbranded in violation of said act and were confiscable and liable to condemnation under the terms and conditions thereof for the reason that each of said packages was by the label appearing thereon, to wit, "Pure Northern Ohio Sugar—Guaranteed by The Northern Ohio Syrup and Mfg. Co—Cleveland, Ohio.—Serial 52636," labeled and misbranded so as to deceive and mislead the purchaser thereof in that said food product so labeled "Northern Ohio Syrup" and "Northern Ohio Sugar" was not pure northern Ohio sirup and northern Ohio sugar, but an imitation thereof, and said branding and labeling as aforesaid constituted a misbranding within the meaning of said act and of the provisions of section 8 thereof, and said food product was misbranded as aforesaid. It was also alleged that the cases of sirup and sugar were further liable to confiscation and condemnation under the terms and conditions of said act for the reason that both said sirup and said sugar were composed of cane and maple products, said sugar containing, to wit, 47 per cent of maple sugar, and said sirup containing varying amounts of maple sirup from 35 to 63 per cent, and the presence of cane sugar and cane sirup in amounts indicated reduced the quality and character of the finished product and constituted an adulteration within the meaning of section 7 of said act, paragraphs 1 and 2.

On June 27, 1914, the Northern Ohio Sirup & Manufacturing Co., Cleveland, Ohio, claimant, having consented thereto, judgment of condemnation and forfeiture was entered, after a verdict by the court in favor of the Government, and it was ordered by the court that the product should be surrendered and delivered to said claimant upon payment of all the costs of the proceeding and the execution of bond in the sum of $500, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3547. Adulteration and misbranding of oil of sandalwood. U. S. v. Hymes Bros. Co. Plea of guilty. Sentence suspended. (F. & D. No. 5535. I. S. No. 4181-e.)

On June 15, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Hymes Bros. Co., a corporation, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on January 15, 1912, from the State of New York into the State of North Carolina, of a quantity of oil of sandalwood which was adulterated and misbranded. The product was labeled: "Trade Mark Purity (Picture of pelican) Quality Excellence Oil Sandalwood E. I. Essential Oils, Hymes Bros. Co. Vanilla Beans. Importers and Manufacturers New York U. S. Serial No. 18750. Guaranteed under the Food and Drugs Act, June 30, 1906."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Specific gravity	0.966
Optical rotation (degrees)	—23.1
Chlorin products: Absent.	
Insoluble in 5 to 10 volumes of 70 per cent alcohol.	
Santalol (per cent)	76.9
Saponification No.	7.7

Adulteration of the product was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity, as determined by the test laid down in said Pharmacopœia official at the time of investigation of the article, in that the said Pharmacopœia specifies that said article shall contain not less than 90 per cent santalol, and shall be soluble in 5 volumes of 70 per cent alcohol, whereas, in truth and in fact, said article of drugs contained less than 90 per cent of santalol, and was not soluble in 5 volumes of 70 per cent alcohol, and its own standard of strength, quality or purity was not stated on the bottle, box or other container in which the said article was offered for sale. Misbranding was alleged for the reason that the statement "Oil Sandalwood," appearing on the label regarding said article and the ingredients and substances therein contained, was false and misleading, in that it indicated that the said article was oil of sandalwood conforming to the standard prescribed in the United States Pharmacopœia for such article, whereas, in truth and in fact, the said article was not an oil of sandalwood conforming to the said standard prescribed in the United States Pharmacopœia, but was an oil of sandalwood of a lower standard.

On June 29, 1914, the defendant company entered a plea of guilty to the information, and the court suspended sentence.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3548. Adulteration of tomato pulp. U. S. v. 250 Cases, 100 Cases, and 200 Cases of Tomato Pulp * * *. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 5540, 5541, 5542. I. S. Nos. 5297-h. 5298-h. 5299-h. S. No. 2082.)

On January 19, 1914, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 250 cases, 100 cases, and 200 cases, each containing 4 dozen retail cans of tomato pulp, remaining unsold in the original unbroken packages at Nashville, Tenn., alleging that the 250 cases had been shipped on or about December 7, 1913, the 100 cases on or about November 26, 1913, and the 200 cases on or about November 10, 1913, and transported from the State of Indiana into the State of Tennessee, and charging adulteration in violation of the Food and Drugs Act. The 250 cases were labeled: "Leota Brand Tomato Pulp, Contents 10 oz., Pkd. by Leota Canning Co., Leota, Ind." The 100 cases were labeled: "Our Best Brand Tomato Pulp—Leota Canning Co., Leota, Ind., Contents 10 oz." The 200 cases were labeled: "Scott Co. Brand—Whole Tomato Pulp. Pkd. by Austin Canning Co., Austin, Ind."

Adulteration of the product was alleged in the libels for the reason that it consisted, in whole or in part, of a filthy, decomposed, and putrid vegetable substance, and was in the sense of aforesaid law adulterated in violation of said act, paragraph 6, under food.

On July 16, 1914, no claimant having appeared for the property, judgments of condemnation, and forfeiture were entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3549. Misbranding of macaroni. U. S. v. 65 Boxes of Macaroni. Tried to the court. Finding for the Government. Product ordered sold. (F. & D. No. 5543. I. S. No. 6795-h. S. No. 2103.)

On February 4, 1914, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 65 packages, each containing approximately 20 pounds of macaroni, remaining unsold in the original unbroken packages at Wilkes-Barre, Pa., alleging that the product had been transported from the State of New Jersey into the State of Pennsylvania, the shipments arriving on or about January 2 and January 19, 1914, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Maccheroni Di Qualita-Sublime-Ventaglio-Neapolitan Style–Neapolitan Style–Quality, Guaranteed, Purity, Macaroni—Artificially Colored—Manifatturati Nel Piu Pulito ed igenico Pastificio del Mondo. Orzo Extra—20 lbs. Net—P. Nardone, Wilkes-Barre, Pa."

It was alleged in the libel that the labels on the product and the general appearance of the packages in which the macaroni was contained indicated that it was of foreign manufacture, when, in truth and in fact, it was not of foreign manufacture, but was made by the International Macaroni Co., in the city of Newark, in the State of New Jersey. It was further alleged that the said International Macaroni Co. neither receives, handles, nor deals in macaroni imported from a foreign country, but that, on the contrary, all macaroni in which said company deals consists of their own manufacture, branded and labeled similar to the food product against which the libel was directed. It was further alleged that the brand and labels on the packages of macaroni were false and misleading, and designed to deceive and mislead the purchaser by purporting and representing the contents of said packages to be of foreign manufacture, which, in truth and in fact, was not so.

On May 28, 1914, Pasquale Nardone, Wilkes-Barre, Pa., and Paul Smolian, proprietor of the International Macaroni Co., Newark, N. J., claimants, having filed their answer to the libel, and the case having come on for hearing, after submission of evidence and arguments by counsel, the court found the product misbranded as alleged in the libel, condemning it and forfeiting it to the United States and ordering that it should be sold by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3550. Adulteration of tomato paste. U. S. v. 300 Cases, More or Less, of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 5544, 5545. I. S. Nos. 341-h, 343-h. S. No. 2084.)

On January 19, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 cases of tomato paste, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on November 15, 1913, and transported from the State of New Jersey into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy vegetable substance; for the further reason that it consisted wholly of a filthy vegetable substance; for the further reason that it consisted in part of a decomposed vegetable substance; and for the final reason that it consisted wholly of a decomposed vegetable substance.

On September 21, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

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S. R. A.—Chem. Suppl. 2. Issued May 14, 1915.

U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.[1]

SUPPLEMENT.

N. J. 3551-3600.

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

3551. Adulteration of canned tomatoes. U. S. v. 109 Cases, More or Less, of Tomatoes. Consent decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 5549. I. S. No. 4903-h. S. No. 2091.)

On January 26, 1914, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel for the seizure and condemnation of 109 cases, more or less, each containing six 1-gallon cans of tomatoes, remaining unsold in the original unbroken packages in possession of the Richmond Lunch, a body corporate, Washington, D. C., alleging that the product had been transported from the State of Maryland into the District of Columbia, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled, in part: "Starpaco Brand Tomatoes Packed by W. S. Smith Co., Centerville, Md. Factory at Starr, Queen Anne Co., Md. Contents weigh 6 lb. 9 oz. or over. Guarantee legend and serial No. 43223. These tomatoes are packed with care." The cans were labeled, in part: "Starpaco Brand Tomatoes Packed by W. S. Smith Co., Centerville, Md. Factory at Starr, Queen Anne Co., Md. Contents weigh 6 lb. 9 oz. or over. Guarantee legend and serial No. 43223. These tomatoes are packed with care."

Adulteration of the product was alleged in the libel for the reason that it consisted of decomposed vegetable matter or substance.

On March 17, 1914, the said Richmond Lunch, claimant, having filed its plea and answer, consented to a decree of condemnation and to the destruction of 298 cans from [of] the product, and showing the segregation and distinctive marking of the remaining 302 cans of tomatoes as goods that might be safely used as food, judgment

[1] The Service and Regulatory Announcements of the Bureau of Chemistry are published in conformity with a uniform plan for the issuance of information, instructions, and notices of a regulatory nature by the various branches of the department. During 1915 they will be issued as often as necessary rather than each month, as in 1914, and will be numbered consecutively, beginning with S. R. A. Chem. 13.

Notices of judgment are issued as supplements to the Service and Regulatory Announcements of the Bureau of Chemistry. Beginning with January, 1915, they will be numbered and paged independently of the Service and Regulatory Announcements, the first number being designated as S. R. A. Chem. Suppl. 1.

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of condemnation and forfeiture was entered, and it was ordered by the court that the said 298 cans of the product should be destroyed by the United States marshal and that the 302 cans should be delivered and surrendered to said claimant upon the execution of a good and sufficient bond in conformity with section 10 of the act. On November 18, 1914, the said respondent having failed to furnish a good and sufficient bond and it appearing that the 302 cans of tomatoes had become unfit for food, it was ordered by the court that the same should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3552. Adulteration and misbranding of tomato conserve. U. S. v. 25 Cases of Tomato Conserve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5550. I. S. No. 7815-h. S. No. 2088.)

On January 22, 1914, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, each containing 100 cans of tomato conserve, remaining unsold in the original unbroken packages at Pittsburgh, Pa., alleging that the product had been shipped on or about October 27, 1913, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The cans containing the product were labeled, in part: "Conserva Di Tomate—Packed by our special process—Rossa—Guaranteed by American Conserve Co. under the Food and Drugs Act June 30, 1906, Serial No. 9270—Containing 1/10 of 1% Benzoate of soda and 15% of salt—Trade mark—Marca Registrata—This can contains 15 oz net weight. Tomato Conserve—American Conserve Co. New York Directions: For one pound of macaroni use one teaspoonful dissolved in water. Add the same quantity for each pound of macaroni. The same is used for roast meats, stews, etc. etc. It flavors the meat and gives a nice coloring, I. G."

Adulteration of the product was alleged in the libel for the reason that it was composed, in whole or in part, of a filthy, decomposed, or putrid substance and unfit for food. Misbranding was alleged for the reason that the product was labeled and branded so as to deceive and mislead the purchaser, that is to say, it was labeled and branded, "This can contains 15 oz net weight," when, in fact, the cans did not contain this amount.

On June 15, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3553. Adulteration and misbranding of Slivowitz type prune brandy. U. S. v. G. Riesmeyer Distilling Co. Plea of guilty. Fine, $20 and costs. (F. & D. No. 5551. I. S. No. 5256-e.)

On April 24, 1914, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the G. Riesmeyer Distilling Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 7, 1912, from the State of Missouri into the State of Nebraska, of a quantity of prune brandy which was adulterated and misbranded. The product was labeled: "Slivowitz Type Prune Brandy A Compound Guaranteed under the Food and Drugs Act June 30, 1906. G. Riesmeyer Dist. Co., St. Louis."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results, expressed as grams per 100 liters—100 proof alcohol, except where otherwise noted:

Proof (degrees)	88.6
Solids	21.2
Acids, total, as acetic	10.8
Esters, as acetic	19.9
Aldehydes, as acetic	10.8
Furfural	0.8
Fusel oil	28.8
Total color (degrees, Lovibond, 0.5-inch cell to 100° proof)	1.1
Color, insoluble in amyl alcohol (per cent)	8.0

The product contains about 60 per cent neutral spirits.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, a mixture of prune brandy and neutral spirits, had been substituted wholly or in part for the genuine prune brandy which the article purported to be. Misbranding was alleged for the reason that the label of the product bore the following statement, to wit, "Slivowitz Type Prune Brandy," which said statement was false and misleading in that it purported and represented that the product was a pure prune brandy, whereas, in fact, the same was not a pure prune brandy but was a mixture of neutral spirits and prune brandy; and, further, in that it was labeled and branded so as to deceive and mislead the purchaser into the belief that the same was a genuine prune brandy, whereas, in fact, the same was not a genuine prune brandy, but a mixture of prune brandy and neutral spirits.

On July 7, 1914, the defendant company entered a plea of guilty to the information and the court imposed a fine of $20 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3554. Adulteration of tomato paste. U. S. v. 7 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5554. I. S. No. 7814-h. S. No. 2093.)

On January 24, 1914, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 cases, each containing one hundred 1-pound cans of tomato paste, remaining unsold in the original unbroken packages at Pittsburgh, Pa., alleging that the product hap been shipped on or about November 8, 1913, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled, in part: "Eagle Brand Tomato Paste, Vesuvian Preserving Co., Vineland, N. J." The cans were labeled, in part: "Eagle Brand Tomato Paste Made from Tomato Trimmings Conserva Di Pomidoro Marca Aquila Vesuvian Preserving Co., Vineland, N. J. Directions, etc."

Adulteration of the product was alleged in the libel for the reason that it consisted, in whole or in part, of a filthy, decomposed, or putrid vegetable substance, unfit for food.

On June 17, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3555. Misbranding of Dr. Herman Koch's brand phosphate, celery, and gin compound. U. S. v. 5 Cases * * * Herman Koch Brand Phosphate, Celery, and Gin Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5555. I. S. No. 7818-h. S. No. 2092.)

On January 26, 1914, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases, each containing 1 dozen 1-quart bottles and 1 dozen half-pint bottles, more or less, of Herman Koch brand phosphate, celery, and gin compound, remaining unsold in the original unbroken packages at Pittsburgh, Pa., alleging that the product had been shipped on or about December 31, 1913, and transported from the State of Ohio into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act. Each case was labeled, in part: "Glass This side up with care. Herman Koch Brand Phosphate, Celery & Gin Compound Recommended as a Kidney-Bladder-Blood and Nerve Remedy This case contains One Dozen full quarts and one dozen half pints. See that you get them. Alcoholic strength 60 proof. Guaranteed Serial No. 12141. Furst Bros., Cincinnati, Ohio." Each bottle was labeled, in part: "Dr. Herman Koch's Brand Phosphate, Celery & Gin Compound HK Trade Mark is unrivaled in all the world unequaled by any other remedy on earth as a Kidney, Bladder, Blood and Nerve Remedy. Directions: Take a wine glass full four times a day and positively before retiring. Alcoholic strength 32% by volume. Bottled by Furst Bros., Cincinnati, O."

Misbranding of the product was alleged in the libel for the reason that the statement on the label that "The product is unrivaled in all the world, unequaled by any other remedy on earth, as a Kidney, Bladder, Blood and Nerve Remedy," was false and misleading and fraudulent, because there was no ingredient in the preparation that could be relied upon to produce the therapeutic effects claimed, and hence the product was misbranded in violation of section 8 of the Food and Drugs Act as amended by the Sherley amendment approved August 23, 1912, paragraph 3, under drugs. Misbranding was alleged for the further reason that the declaration upon the label that the preparation was phosphate, celery, and gin was false and misleading, since there was no substantial amount of phosphate present.

On June 17, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3556. Adulteration and misbranding of so-called Old Bass Island Brand Ohio Port. U. S. v. The Mihalovitch Co. Plea of guilty. Fine, $100 and costs. (F. & D. No. 5559. I. S. No. 2329-e.)

On March 24, 1914, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Mihalovitch Co., a corporation, Cincinnati, Ohio, alleging shipment by said company in violation of the Food and Drugs Act, on or about September 13, 1912, from the State of Ohio into the State of Georgia, of a quantity of so-called Old Bass Island Brand Ohio Port which was adulterated and misbranded. The product was labeled: (On head of barrel) "M Co. Old Bass Island Ohio Port" (Railroad marks) "5 S 8506-9-19" (Tag on barrel) "The Mihalovitch Co. 118-120 West Pearl St., Cincinnati, O. For O'Connor & Lyons, Savannah, Ga."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	7.15
Nonsugar solids (grams per 100 cc)	1.72
Ash (grams per 100 cc)	0.110
Acid as tartaric (grams per 100 cc)	0.495
Volatile acid as acetic (grams per 100 cc)	0.031
Fixed acid as tartaric (grams per 100 cc)	0.456
Tartaric acid (grams per 100 cc)	0.335
Free tartaric acid (grams per 100 cc)	0.137
Cream of tartar (grams per 100 cc)	0.180
Tartaric acid to alkali earths (grams per 100 cc)	0.054

Adulteration of the product was alleged in the information for the reason that a substance other than port wine, namely, an unfinished wine insufficiently fortified with alcohol, had been substituted wholly or in part for port wine. Misbranding was alleged for the reason that the statement "Old Bass Island Brand Ohio Port," borne on the package in which the article was shipped and delivered for shipment as aforesaid, was false and misleading, because it conveyed to purchasers of the article the false impression that it was port wine, whereas, in truth and in fact, it was not port wine, but a substance other than port wine, namely, an imitation port wine or an unfinished wine insufficiently fortified with alcohol; further, for the reason that the article was an imitation of port wine consisting of an unfinished wine which had been insufficiently fortified with alcohol, and was offered for sale and sold under the distinctive name of port wine; and, further, for the reason that the article was labeled and branded so as to deceive and mislead the purchaser into the belief that it was a port wine, whereas, in truth and in fact, it was not port wine, but was an unfinished wine fortified with alcohol.

On October 23, 1914, the defendant company entered a plea of guilty to the information and the court imposed a fine of $100 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3557. Adulteration of tomato pulp. U. S. v. 55 Cases, More or Less, of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5566. I. S. No. 889-h. S. No. 2099.)

On January 30, 1914, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of a certain article of food contained in 55 cases, more or less, purported and represented to be tomato pulp, remaining unsold in the original unbroken packages at Texas City, Tex., alleging that the product had been shipped on or about September 10, 1913, and transported from the State of Maryland into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The shipping containers were labeled: "4 doz. No. 1 Miller Bros. and Co. Jumbo Brand (Representation of elephant) Tomato Pulp Baltimore, Md." The retail packages were labeled: "Jumbo Brand Tomato Pulp—used for making soups, sauces, gravies and for seasoning purposes. Packed by Miller Bros. and Co. Baltimore, Md., U. S. A. Jumbo Brand (Representation of elephant's head)."

It was alleged in the libel that the product was adulterated by being decomposed and putrid, and that so being decomposed and putrid made the same deleterious [1] and might render the same injurious to health. It was further alleged that the decomposition and consequent adulteration of the tomato pulp was in violation of the sixth paragraph of section 7, under food, of the Food and Drugs Act of June 30, 1906.

On June 17, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, the court finding that the product by reason of its decomposed and putrid condition was unfit for human food and deleterious to human health, and it was ordered that the same should be destroyed by the United States marshal by burning or casting into the sea and that all costs of the proceedings be adjudged against Miller Bros. & Co., Baltimore, Md.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

[1] When this case was reported for action it was not claimed by this department that the product was deleterious or injurious to health.

3558. Adulteration and misbranding of oil spearmint, oil clove buds, oil allspice, oil thyme, oil cassia, oil fennel, oil sandalwood, and oil thyme red No. 1. U. S. v. Hymes Bros. Co. Plea of guilty. Fine, $50. (F. & D. No. 5571. I. S. Nos. 1887-e, 1888-e, 1890-e, 1891-e, 1892-e, 1895-e, 1899-e, 4201-e.)

On June 15, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Hymes Bros. Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on December 9, 1912, from the State of New York into the State of Ohio:

(1) Of a quantity of oil spearmint which was adulterated and misbranded. The product was labeled: "Trade Mark Purity (picture of pelican) Quality Excellence Oil Spearmint U. S. P. Hymes Bros. Co., Essential Oils, Drugs, Vanilla Beans, Chemicals. Importers and Manufacturers, New York, U. S. Serial No. 18750. Guaranteed under the Food and Drugs Act, June 30, 1906."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Specific gravity at 25° C	0.9062
Optical rotation (degrees)	−6.94
Foreign terpene probably from lemon oil present.	

Adulteration of the product was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia official at the time of investigation of said article, in that the article was lower in specific gravity and optical rotation than required by the standard set forth in said Pharmacopœia for oil of spearmint, and said article did not bear upon the bottle, box, or container thereof a statement of its true standard of strength, quality, or purity. Misbranding was alleged for the reason that the statement "Oil spearmint U. S. P.," appearing on the label aforesaid, regarding said article and the ingredients and substances contained therein, was false and misleading in that it indicated that said article was oil of spearmint of the standard prescribed in the United States Pharmacopœia, whereas, in truth and in fact, it was not an oil of spearmint of the standard prescribed in said Pharmacopœia, but was an article of lower specific gravity and optical rotation than required by the standard set forth in said Pharmacopœia.

(2) Of a quantity of oil clove buds which was adulterated and misbranded. This product was labeled: "Trade Mark Purity (picture of pelican) Quality Excellence Oil Clove Buds U. S. P. Hymes Bros. Co., Essential Oils, Drugs, Vanilla Beans, Chemicals. Importers and Manufacturers New York, U. S. Serial No. 18750. Guaranteed Under the Food and Drugs Act, June 30, 1906."

Analysis of a sample of the product by said Bureau of Chemistry showed the following results:

Specific gravity at 25° C	0.9945
Insoluble in 2 or 4 volumes of 70 per cent alcohol.	
Eugenol (per cent)	52.5
Gurgun balsam oil present.	

Adulteration of the product was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia official at the time of investigation of said article in that the article was lower in specific gravity, solubility, and eugenol content than required by the standard set forth in said Pharmacopœia for oil of clove buds, and said article did not bear upon the bottle, box, or container thereof a statement of its true standard

of strength, quality, and purity. Misbranding was alleged for the reason that the statement "Oil Clove Buds U. S. P.," appearing on the label aforesaid, regarding the article and the ingredients and substances therein contained, was false and misleading in that it indicated that the article was oil of clove buds of the standard prescribed in the United States Pharmacopœia, whereas, in truth and in fact, it was not an oil of clove buds of the standard prescribed in said Pharmacopœia, but was an article of lower specific gravity, solubility, and eugenol content than required by the standard set forth in said Pharmacopœia for oil of clove buds.

(3) Of a quantity of oil allspice which was adulterated and misbranded. This product was labeled: "Trade Mark Purity (picture of pelican) Quality Excellence Oil Allspice Pimento U. S. P. Hymes Bros. Co., Essential Oils, Drugs, Vanilla Beans, Chemicals. Importers and Manufacturers New York, U. S. Serial No. 18750. Guaranteed under the Food and Drugs Act, June 30, 1906."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Specific gravity at 25° C	1.0106
Insoluble in 2 volumes of 70 per cent alcohol.	
Gurgun balsam oil present.	

Adulteration of the product was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia official at the time of investigation of said article, in that the article was lower in specific gravity and solubility than required by the standard set forth in said Pharmacopœia for oil of allspice (oil pimento) and said article did not bear upon the bottle, box, or container thereof a statement of its true standard of strength, quality, or purity. Misbranding was alleged for the reason that the statement "Oil Allspice Pimento U. S. P.," appearing on the label aforesaid, regarding the article and the ingredients and substances therein contained, was false and misleading in that it indicated that said article was an oil of allspice or oil of pimento of the standard prescribed in the United States Pharmacopœia, whereas, in truth and in fact, it was not an oil of allspice or oil of pimento of the standard prescribed in said Pharmacopœia, but was an article of lower specific gravity and solubility than required by the standard set forth in said Pharmacopœia for oil of allspice or oil of pimento.

(4) Of a quantity of oil of white thyme which was adulterated and misbranded. This product was labeled: "Trade Mark Purity (picture of pelican) Quality Excellence Oil Thyme White U. S. P. Hymes Bros. Co., Essential Oils, Drugs, Vanilla Beans, Chemicals. Importers and Manufacturers New York, U. S. Serial No. 18750. Guaranteed under the Food and Drugs Act, June 30, 1906."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Specific gravity at 25° C	0.8790
Optical rotation (degrees)	−11.27
Thymol (per cent)	2.5
Insoluble in 2 volumes of 80 per cent alcohol.	
Turpentine present.	

Adulteration of the product was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia official at the time of investigation of said article, in that the article was lower in specific gravity, solubility, and thymol content and higher in optical rotation than required by the standard set forth in said Pharmacopœia

for oil of thyme, and said article did not bear upon the box, bottle, or container thereof a statement of its true standard of strength, quality, or purity. Misbranding was alleged for the reason that the statement "Oil thyme—White U. S. P.," appearing on the label aforesaid, regarding the article and the ingredients and substances therein contained, was false and misleading in that it indicated that said article was an oil of thyme of the standard prescribed in the United States Pharmacopœia, whereas, in truth and in fact, it was not an oil of thyme of the standard prescribed in said Pharmacopœia, but was an article lower in specific gravity, solubility, and thymol content and higher in optical rotation than required by the standard set forth in said Pharmacopœia for oil of thyme.

(5) Of a quantity of oil of cassia, which was adulterated and misbranded. This product was labeled: "Trade Mark Purity (picture of pelican) Quality Excellence Oil Cassia U. S. P., Hymes Bros. Co., Essential Oils, Drugs, Vanilla Beans, Chemicals. Importers and Manufacturers New York U. S. Serial No. 18750. Guaranteed under the Food and Drugs Act, June 30, 1906."

Analysis of a sample of the product by said Bureau of Chemistry showed the following results:

Optical rotation (degrees)	+2.9
Lead (grams per 100 cc)	0.181
Rosin (grams per 100 cc)	13.6

Adulteration of the product was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia official at the time of investigation of said article, in that the article was higher in optical rotation than required by the standard laid down in said Pharmacopœia, and it contained lead and rosin, which substances, according to said test laid down in said Pharmacopœia, should not be present in oil of cassia, and said article did not bear on the box, bottle, or container thereof a statement of its true standard of strength, quality, or purity. Misbranding was alleged for the reason that the statement "Oil Cassia U. S. P.," appearing on the label aforesaid, regarding the article and the ingredients and substances therein contained, was false and misleading in that it indicated that said article was an oil of cassia of the standard prescribed in the United States Pharmacopœia, whereas, in truth and in fact, it was not an oil of cassia of the standard prescribed in said Pharmacopœia, but was an article higher in optical rotation than required by the standard set forth in said Pharmacopœia for oil of cassia, and it contained lead and rosin, which substances, according to said test laid down in said Pharmacopœia, should not be present in oil of cassia.

(6) Of a quantity of oil of fennel which was adulterated and misbranded. This product was labeled: "Trade Mark Purity (picture of pelican) Quality Excellence Oil Fennel U. S. P., Hymes Bros. Co., Essential Oils, Drugs, Vanilla Beans, Chemicals. Importers and Manufacturers New York U. S. Serial No. 18750. Guaranteed under the Food and Drugs Act, June 30, 1906."

Analysis of a sample of the product by said Bureau of Chemistry showed the following results:

Does not congeal at −9° C.

Insoluble in 10 volumes of 80 per cent alcohol.

Low in anethol content.

Adulteration of the product was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia official at the time of investigation of said article, in that it was lower in solubility and its congealing point was lower than required by the standard laid down in said Pharmacopœia for oil of fennel, and it was lower

in the percentage of a valuable constituent, to wit, anethol, than required by the standard laid down in said Pharmacopœia, and said article did not bear upon the bottle, box, or container thereof a statement of its true standard of strength, quality, or purity. Misbranding was alleged for the reason that the statement "Oil Fennel U. S. P.," appearing on the label aforesaid, regarding the article and the ingredients and substances therein contained, was false and misleading in that it indicated that said article was an oil of fennel of the standard prescribed in the United States Pharmacopœia, whereas in truth and in fact it was not an oil of fennel of the standard prescribed in said Pharmacopœia, but was an article lower in solubility and congealing point than the standard prescribed in said Pharmacopœia for oil of fennel, and it was lower in the percentage of a valuable constituent, to wit, anethol, than required by the standard set forth in said Pharmacopœia for oil of fennel.

(7) Of a quantity of oil sandalwood which was adulterated and misbranded. This product was labeled: "Trade Mark Purity (picture of pelican) Quality Excellence Oil Sandalwood E. I. U. S. P. Hymes Bros. Co., Essential Oils, Drugs, Vanilla Beans, Chemicals. Importers and Manufacturers New York, U. S. Serial No. 18750. Guaranteed under the Food and Drugs Act, June 30, 1906."

Analysis of a sample of the product by said Bureau of Chemistry showed the following results:

Santalol (per cent)	71.2
Insoluble in 10 volumes of 70 per cent alcohol.	
Foreign terpenes present.	

Adulteration of the product was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia official at the time of investigation of said article, in that the article was lower in solubility and santalol than prescribed by the standard laid down in said Pharmacopœia for oil of sandalwood, and the article did not bear upon the bottle, box, or container thereof a statement of its true standard of strength, quality, or purity. Misbranding was alleged for the reason that the statement "Oil Sandalwood E. I. U. S. P.," appearing on the label aforesaid, regarding the article and the ingredients and substances therein contained, was false and misleading in that it indicated that said article was an oil of sandalwood of the standard prescribed in the United States Pharmacopœia, whereas in truth and in fact it was not an oil of sandalwood of the standard prescribed in said Pharmacopœia, but was an article lower in solubility and santalol than required by the standard laid down in said Pharmacopœia for oil of sandalwood.

(8) Of a quantity of oil of red thyme which was adulterated and misbranded. This product was labeled: "Trade Mark Purity (picture of pelican) Quality Excellence Oil Thyme Red No. 1 Hymes Bros. Co., Essential Oils, Drugs, Vanilla Beans, Chemicals. Importers and Manufacturers New York, U. S Serial No. 18750. Guaranteed under the Food and Drugs Act, June 30, 1906."

Analysis of a sample of the product by said Bureau of Chemistry showed the following results:

Specific gravity at 25° C.	0.8784
Insoluble in 2 volumes of 80 per cent alcohol.	
Thymol (per cent)	3.5
Optical rotation (degrees)	−11.44
Turpentine added or thymol removed.	

Adulteration of the product was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the

test laid down in said Pharmacopœia official at the time of investigation of the article in that it was lower in specific gravity, solubility, and thymol content and higher in optical rotation than required by the standard set forth in said Pharmacopœia for oil of thyme, and said article did not bear upon the bottle, box, or container thereof a statement of its true standard of strength, quality, or purity. Misbranding was alleged for the reason that the statement "Oil Thyme Red No. 1," appearing on the label aforesaid regarding the article and the ingredients and substances therein contained, was false and misleading in that it indicated that said article was an oil of thyme of the standard prescribed in the United States Pharmacopœia, whereas in truth and in fact the said article was not an oil of thyme of the standard prescribed in said Pharmacopœia, but was an article lower in specific gravity, solubility, and thymol content and higher in optical rotation than required by the standard set forth in said Pharmacopœia for oil of thyme.

On June 29, 1914, the defendant company entered a plea of guilty to the information and the court imposed a fine of $50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3559. Misbranding of macaroni. U. S. v. 115 Packages of Macaroni. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5576. I. S. No. 9501-h. S. No. 2107.)

On February 5, 1914, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 115 packages, each containing approximately 22 pounds of macaroni, remaining unsold in the original unbroken packages at Scranton, Pa., alleging that the product had been transported in interstate commerce from the State of Maryland into the State of Pennsylvania and received at Scranton, Pa., on or about May 23, 1913, and charging misbranding in violation of the Food and Drugs Act. The product was labeled in part: "Extra Fine Macaroni—Gragnano Style—Imbriani Brand. Ditalini." The label further contained a pictorial representation of the Bay of Naples, Italy, with Mt. Vesuvius in the background. The word "Gragnano" is the name of a city near the Bay of Naples in Italy and was printed in large and prominent type, while the word "style" was printed in small and obscure type. The word "Imbriani" is the name of a famous Italian poet who was born near the Bay of Naples, Italy.

It was alleged in the libel that the labels on the said food product and general appearance of the packages in which the macaroni was contained indicated that the macaroni was of foreign manufacture, when in truth and in fact it was not [of] foreign manufacture, but was made by the Savarese Macaroni Co. in the city of Baltimore, Md.

It was further alleged in the libel that the brand and labels on the packages of macaroni were false and misleading and designed to deceive and mislead the purchaser by purporting and representing the contents of the packages to be of foreign manufacture, which in truth and in fact was not so.

On April 2, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3560. Misbranding of vodka. U. S. v. Samuel Schochet (Russian Monopol Co.). Plea of guilty. Fine, $25. (F. & D. No. 5578. I. S. No. 3304-e.)

On June 19, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Samuel Schochet, doing business as the Russian Monopol Co., New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on September 9, 1912, from the State of New York into the State of Maryland, of a quantity of vodka which was misbranded. The product was labeled: (Russian label, translated) "Government pure (or rectified) Spirits (or alcohol). 1/40 Vedro (or a certain Russian measure). Strength 57%. Price, Spirits 30 K, Bottle 3 K, Total 33 K." ("K" means "kopec," a Russian coin.) (English label) "Monopol Vodka Made and Bottled in Russia Monopol Co." (Reverse Russian label, translated) "St. Petersburg Revenue Office. R. H. B. 15. 1912. Government Whiskey. Storehouse No. 3."

An investigation by the Bureau of Chemistry of this department disclosed the fact that the vodka was a domestic product.

Misbranding was alleged in the information for the reason that the statements "Government pure (or rectified) Spirits (or alcohol) * * * Monopol Vodka Made and Bottled in Russia[n] Monopol [Co]. St. Petersburg Revenue Office. R. H. B. 15. 1912. Government Whiskey. Storehouse No. 3," appearing on the label aforesaid regarding the said article and the ingredients and substances therein contained, were false and misleading, in that they indicated that the article was Russian vodka, and a liquor produced in Russia and bottled under the supervision of the Russian Government, whereas, in truth and in fact, the said article was not Russian vodka, and was not a liquor produced in Russia and bottled under the supervision of the Russian Government, but was a liquor manufactured and bottled in the United States. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Monopol Vodka Made and Bottled in Russia Monopol * * * St. Petersburg Revenue Office. R. H. B. 15. 1912. Government Whiskey. Storehouse No. 3," thereby indicating that the article aforesaid was Russian vodka, and a liquor produced in Russia and bottled under the supervision of the Russian Government, whereas, in truth and in fact, the said article was not Russian vodka, and was not a liquor produced in Russia and bottled under the supervision of the Russian Government, but was a liquor manufactured and bottled in the United States. Misbranding was alleged for the further reason that the product purported to be a foreign product, to wit, a product of Russia, whereas, in truth and in fact, it was not a foreign product, nor a product of Russia, but was a product of domestic manufacture.

On June 25, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3561. Misbranding of so-called vodka. U. S. v. Louis B. Katz (Russian Monopole Co. of America). Plea of guilty. Fine, $25 on one information, and sentence suspended on other information. (F. & D. No. 5580. I. S. Nos. 204-e, 205-e, 2702-e.)

On December 17, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district two informations against Louis B. Katz, trading as the Russian Monopole Co. of America, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act:

(1) On August 30, 1912, from the State of New York into the State of New Jersey, of a quantity of so-called vodka which was misbranded. This product was labeled: (Russian label, translated) "Government pure (or rectified) Spirits (or alcohol). 1/100 Vedro (or a certain Russian measure) Strength 57%. Price, Spirits 12 K, Bottle 2 K, Total 14 K." ("K" means "kopec," a Russian coin.) (English label) "Monopole Vodka Made and Bottled in Russia Monopole." (Reverse label, in Russian, translated) "St. Petersburg Revenue Office. 15-4-1912. Government Whiskey Storehouse No. 1." (Representation of Russian coat of arms on wax bottle cap.)

Investigation by this department disclosed the fact that the product was manufactured in the United States of America.

Misbranding of the product was alleged in one of the informations for the reason that the statements "Government pure (or rectified) Spirits (or alcohol) * * * Monopole Vodka Made and Bottled in Russia[n] Monopole. St. Petersburg Revenue Office. 15-4-1912. Government Whiskey. Storehouse No. 1," appearing on the label regarding the said article and the ingredients and the substances therein contained, were false and misleading in that they indicated that the article was Russian vodka, a liquor produced in Russia and bottled under the supervision of the Russian Government, whereas, in truth and in fact, said article was not Russian vodka, and was not a liquor produced in Russia and bottled under the supervision of the Russian Government, but was a liquor manufactured and bottled in the United States. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Monopole Vodka Made and Bottled in Russia[n] Monopole * * * St. Petersburg Revenue Office. 15-4-1912. Government Whiskey. Storehouse No. 1," thereby indicating that it was Russian vodka, a liquor produced in Russia and bottled under the supervision of the Russian Government, whereas, in truth and in fact, said article was not Russian vodka, and was not a liquor produced in Russia and bottled under the supervision of the Russian Government, but was a liquor manufactured and bottled in the United States. Misbranding was alleged for the further reason that the article purported to be a foreign product, to wit, a product of Russia, whereas, in truth and in fact, it was not a foreign product, nor a product of Russia, but was a product of domestic manufacture.

(2) On August 27, 1912, from the State of New York into the State of Connecticut, of a quantity of so-called vodka, which was misbranded. Part of the bottles in this consignment were labeled: (Russian label, translated) "Government pure (or rectified) Spirits (or alcohol). 1/100 Vedro (or a certain Russian measure) Strength 57%. Price, Spirits 12 K, Bottle 2 K, Total 14 K." ("K" means "kopec," a Russian coin.) (English label) "Monopole Vodka Made and Bottled in Russia Monopole." (Reverse label, in Russian, translated) "St. Petersburg Revenue Office. 15-4-1912. Government Whiskey, Storehouse No. 1." (Representation of Russian coat of arms on wax bottle cap.) The remaining bottles in the consignment were labeled: (Russian label, translated) "Government pure (or rectified) Spirits (or alcohol). 1/200 Vedro (or a certain Russian measure) Strength 57%. Price, Spirits 6 K, Bottle 1 1/2 K, Total 7 1/2 K." ("K" means "kopec," a Russian coin.) (English label) "Monopole Vodka made and Bottled in Russia Monopole Company of Russia." (Reverse label, in Russian, translated): "St. Petersburg Revenue Office. 15-4-1912. Government

Whiskey. Storehouse No. 1." (Representation of Russian coat of arms on wax bottle cap.)

Investigation by this department disclosed the fact that this product also was of domestic manufacture.

Misbranding of the product was alleged in the second information for the reason that the statement "Government pure (or rectified) Spirits (or alcohol) * * * Monopole Vodka Made and Bottled in Russia[n] Monopole. St. Petersburg Revenue Office. 15–4–1912. Government Whiskey. Storehouse No. 1," and the statements "Government pure (or rectified) Spirits (or alcohol) * * * Monopole Vodka Made and Bottled in Russia[n] Monopole Company of Russia. St. Petersburg Revenue Office. 15–4–1912. Government Whiskey. Storehouse No. 1," appearing on the label aforesaid regarding the article and the ingredients and substances therein contained, were false and misleading in that they indicated that the article was Russian vodka, and a liquor produced in Russia and bottled under the supervision of the Russian Government, whereas, in truth and in fact, it was not Russian vodka and was not a liquor produced in Russia and bottled under the supervision of the Russian Government, but was a liquor manufactured and bottled in the United States.

Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Monopole Vodka Made and Bottled in Russia[n] Monopole * * * St. Petersburg Revenue Office. 15–4–1912. Government Whiskey. Storehouse No. 1," and being also labeled "Monopole Vodka Made and Bottled in Russia[n] Monopole Company of Russia * * * St. Petersburg Revenue Office. 15–4–1912. Government Whiskey. Storehouse No. 1," thereby indicating that the article was Russian vodka and a liquor produced in Russia and bottled under the supervision of the Russian Government, whereas, in truth and in fact, said article was not Russian vodka and was not a liquor produced in Russia and bottled under the supervision of the Russian Government, but was a liquor manufactured and bottled in the United States. Misbranding was alleged for the further reason that the article purported to be a foreign product, to wit, a product of Russia, whereas, in truth and in fact, it was not a foreign product nor a product of Russia, but was a product of domestic manufacture.

On December 21, 1914, pleas of guilty to the informations by the defendant were entered, and the court imposed a fine of $25 on one information, and suspended sentence on the other.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *March 22, 1915.*

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3562. Adulteration of pearl meal. U. S. v. 12 Barrels, More or Less, of Pearl Meal. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5584. I. S. No. 3373-h. S. No. 2113.)

On February 10, 1914, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on February 11, 1914, an amended libel, for the seizure and condemnation of 12 barrels, more or less, of pearl meal, remaining unsold in the original unbroken packages at New York (borough of Brooklyn), N. Y., alleging that the product had been shipped on or about January 17, 1914, and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libels for the reason that it consisted wholly or in part of decomposed food substances.

On February 27, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, *D. C., January 13, 1915.*

3563. Misbranding of vodka. U. S. v. Herman Sinkowetsky and Moses Ludwak (Russian Transfer Monopole Co.). Plea of guilty. Sentence suspended. (F. & D. No. 5585. I. S. No. 834-e.)

On June 19, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman Sinkowetsky and Moses Ludwak, copartners, trading under the firm name and style of the Russian Transfer Monopole Co., alleging shipment by the said defendant, in violation of the Food and Drugs Act, on September 7, 1912, from the State of New York into the State of Massachusetts, of a quantity of vodka which was misbranded. The product was labeled: (Russian label, translated) "Government pure (or rectified) Spirits (or alcohol) 1/200 Vedro (or a certain Russian measure) Strength 57%. Price, Spirits 6 K, Bottle 1½ K, Total 7½ K." ("K" means "kopec," a Russian coin.) (Reverse Russian label, translated) "St. Petersburg Revenue Office. 13. 11. 1912. Government Whiskey. Storehouse No. 1."

Investigation by the Bureau of Chemistry of this department showed that the product was of domestic manufacture.

Misbranding of the product was alleged in the information for the reason that the statements "Government pure (or rectified) Spirits (or alcohol) 1/200 Vedro * * *" and "St. Petersburg Revenue Office. 13. 11. 1912. Government Whiskey. Storehouse No. 1," appearing on the label aforesaid regarding said article and the ingredients and substances therein contained, were false and misleading, in that they indicated that the said article was Russian vodka, and a liquor produced in Russia and bottled under the supervision of the Russian Government, whereas, in truth and in fact, the said article was not Russian vodka, and was not a liquor produced in Russia and bottled under the supervision of the Russian Government, but was a liquor manufactured and bottled in the United States. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Government pure (or rectified) Spirits (or alcohol) 1/200 Vedro * * * St. Petersburg Revenue Office. 13. 11. 1912. Government Whiskey. Storehouse No. 1," thereby indicating that the article aforesaid was Russian vodka, and a liquor produced in Russia and bottled under the supervision of the Russian Government, whereas, in truth and in fact, the said article was not Russian vodka, and was not a liquor produced in Russia and bottled under the supervision of the Russian Government, but was a liquor manufactured and bottled in the United States. Misbranding was alleged for the further reason that the product purported to be a foreign product, to wit, a product of Russia, whereas, in truth and in fact, the said article was not a foreign product, nor a product of Russia, but was a product of domestic manufacture.

On July 2, 1914, a plea of guilty was entered on behalf of the defendants, and the court suspended sentence, fines having been imposed in other cases against the defendants on the same date.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3564. Misbranding of vodka. U. S. v. Herman Sinkowetsky and Moses Ludwak (Russian Transfer Monopole Co.). Plea of guilty. Fine, $25. (F. & D. No. 5586. I. S. No. 3433-e.)

On June 19, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman Sinkowetsky and Moses Ludwak, copartners, trading under the firm name and style of the Russian Transfer Monopole Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on September 3, 1912, from the State of New York into the State of Massachusetts, of a quantity of so-called vodka which was misbranded. The product was labeled: (Russian label, translated) "Government pure (or rectified) Spirits (or alcohol) 1/100 Vedro (or a certain Russian measure) Strength 57%. Price, Spirits 12 K, Bottle 2 K, Total 14 K." ("K" means "kopec," a Russian coin.) (English label) "Monopole Vodka Russian Transfer Monopole Co." (Reverse Russian label, translated) "St. Petersburg Revenue Office. 12. 11. 1912. Government Whiskey. Storehouse No. 1."

An investigation of the product by the Bureau of Chemistry of this department showed that it was manufactured in the United States.

Misbranding of the product was alleged in the information for the reason that the statements "Government pure (or rectified) Spirits (or alcohol) 1/100 Vedro * * * Monopole Vodka Russian Transfer Monopole Co. St. Petersburg Revenue Office. Government Whiskey. Storehouse No. 1," appearing on the label aforesaid, regarding the article and ingredients and substances therein contained, were false and misleading in that they indicated that the article was Russian vodka and a liquor produced in Russia and bottled under the supervision of the Russian Government, whereas, in truth and in fact, the said article was not Russian vodka and was not a liquor produced in Russia and bottled under the supervision of the Russian Government, but was a liquor manufactured in the United States. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled as aforesaid, thereby indicating that the article was Russian vodka and a liquor produced in Russia and bottled under the supervision of the Russian Government, whereas, in truth and in fact, said article was not Russian vodka and was not a liquor produced in Russia and bottled under the supervision of the Russian Government, but was a liquor manufactured and bottled in the United States. Misbranding was alleged for the further reason that the article purported to be a foreign product, to wit, a product of Russia, whereas, in truth and in fact, it was not a foreign product nor a product of Russia, but was a product of domestic manufacture.

On July 2, 1914, a plea of guilty was entered on behalf of the defendants and the court imposed a fine of $25.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3565. Misbranding of vodka. U. S. v. Herman Sinkowetsky and Moses Ludwak (Russian Transfer Monopole Co.). Plea of guilty. Fine, $25. (F. & D. No. 5587. I. S. No. 37738-e.)

On June 19, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman Sinkowetsky and Moses Ludwak, copartners, trading under the firm name and style of the Russian Transfer Monopole Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on August 16, 1912, from the State of New York into the State of Pennsylvania, of a quantity of so-called vodka which was misbranded. The product was labeled: (Russian label, translated) "Government Pure (or rectified) Spirits (or alcohol) 1/40 vedro (or a certain Russian measure) Strength 57%. Price, Spirits 30 K., bottle 3 K., total 33 K." ("K" means "kopec," a Russian coin.) (Reverse Russian label, translated) "St. Petersburg Revenue Office. 12. 1912. Government Whiskey, Storehouse No. 1." (English label) "Monopole Vodka, Russian Transfer Monopole Co."

Investigation of the product by the Bureau of Chemistry of this department showed that it was manufactured in the United States of America.

Misbranding of the product was alleged in the information for the reason that the statements "Government Pure (or rectified) Spirits (or alcohol) 1/40 vedro * * * St. Petersburg Revenue Office. * * * Government Whiskey, Storehouse No. 1. Monopole Vodka, Russian Transfer Monopole Co.," borne on the label aforesaid regarding the article and the ingredients and substances therein contained, were false and misleading in that they purported and indicated that the article was Russian vodka and a liquor produced in Russia and bottled under the supervision of the Russian Government, whereas, in truth and in fact, it was not Russian vodka and was not a liquor produced in Russia and bottled under the supervision of the Russian Government, but was a liquor manufactured and bottled in the United States. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled as aforesaid, thereby indicating that the article was Russian vodka and a liquor produced in Russia and bottled under the supervision of the Russian Government, whereas, in truth and in fact, the said article was not Russian vodka and was not a liquor produced in Russia and bottled under the supervision of the Russian Government, but was a liquor manufactured and bottled in the United States. Misbranding was alleged for the further reason that the article purported to be a foreign product, to wit, a product of Russia, whereas, in truth and in fact, it was not a foreign product nor a product of Russia, but was a product of domestic manufacture.

On July 2, 1914, a plea of guilty was entered on behalf of the defendants, and the court imposed a fine of $25.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3566. Adulteration and misbranding of so-called malt extract. U. S. v. John F. Betz et al. (John F. Betz & Son, Ltd.). Plea of nolo contendere. Fine, $20. (F. & D. No. 5594. I. S. No. 11804-e.)

On April 3, 1914, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John F. Betz, David Rollo, and Michael F. Maher, a copartnership, doing business under and by the firm name and style of John F. Betz & Son (Ltd.), Philadelphia, Pa., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about May 15, 1913, from the State of Pennsylvania into the State of Maryland, of a quantity of so-called malt extract which was adulterated and misbranded. The product was labeled: (Neck label) "This preparation contains not more than: Alcohol, 4 per cent. Guaranteed under The Food and Drugs Act, June 30, 1906." (Principal label) "Genuine malt Extract Alcohol, 4% A Pleasant and Valuable Nutritive Tonic. This is a perfectly pure, and extremely agreeable preparation of malted barley with hops, containing the nutritive and digestive properties of malt, with the well-known bitter tonic qualities of hops. The very low percentage of alcohol contained in it (less than four per cent) and the large amount of nutritious extractive matter (twelve per cent) render it the most desirable preparation for administration to nursing women, invalids, children, etc. In the usual dose of a wineglassful three or four times daily, it excites a copious flow of milk, and supplies strength to meet the great drain upon the system experienced during lactation. It is no less useful in producing flesh and augmenting fat, its power to create animal heat establishing the necessary conditions. As a tonic in the true sense of the word, it is incomparable, and those persons suffering from vital exhaustion, loss of appetite, and general debility, as well as aged persons, and those of a cold temperament, will derive the greatest comfort and benefit from its use. The adult dose is a wineglassful, taken three or four times daily; children in proportion. It is best taken during or in case of loss of appetite, immediately before meals. Distributed by John Street Drug Store A. C. Reynolds, Mgr. John and Mosher Streets, Baltimore, Md. Guaranteed under the Food and Drugs Act of June 30, 1906."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	7.10
Extract (per cent by weight)	7.23
Extract original wort (per cent by weight)	18.61
Degree fermentation	61.15
Volatile acid, as acetic (grams per 100 cc)	0.022
Total acid, as lactic (grams per 100 cc)	0.405
Maltose (per cent)	2.26
Dextrin (per cent)	2.23
Ash (per cent)	0.448
Protein (per cent)	0.37
P_2O_5 (per cent)	0.040
Undetermined (per cent)	1.92
Polarization (°V.)	+34
Color (degrees, Lovibond, in ¼-inch cell)	61

Adulteration of the product considered as a food was alleged in the information for the reason that a substance, namely, a fermented beverage made from malt, hops, and another cereal or cereal product, or malt substitute, had been substituted wholly or in part for genuine malt extract which said article purported to be. Adulteration of the product considered as a drug was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold—that is to say, said article was invoiced, labeled, and sold as malt extract containing 4 per cent

of alcohol and 12 per cent of extractive matter, whereas, in truth and in fact, said article was not malt extract containing 4 per cent of alcohol and 12 per cent of extractive matter, but was a fermented beverage made from malt, hops, and another cereal or cereal product or malt substitute, and contained, to wit, 7.1 per cent of alcohol by volume and to wit, 7.23 per cent of extractive matter. Misbranding of the product considered as a food was alleged for the reason that the statements "Genuine Malt Extract" and "Preparation of malted barley with hops," borne on the labels of the bottles in which the article was shipped and delivered for shipment, were false and misleading because they were calculated to convey to the purchaser thereof the impression that the article was an extract of malt when, as a matter of fact, it was not an extract of malt, but was a fermented beverage made from malt, hops, and another cereal or cereal product or malt substitute, and, further, in that the statements, "Alcohol four per cent," and "The very low percentage of alcohol contained in it (less than four per cent)," borne on the labels as aforesaid, were false and misleading because they were calculated to convey to the purchaser the impression that the article contained only 4 per cent of alcohol, whereas, in truth and in fact, it contained a much larger percentage of alcohol, to wit, 7.1 per cent by volume; further, in that the statement, "The large amount of nutritious extractive matter (twelve per cent)," borne on the labels as aforesaid, was false and misleading because it was calculated to convey to purchasers the impression that the article contained 12 per cent of extractive matter, whereas, in truth and in fact, it did not contain 12 per cent of extractive matter but a much smaller percentage, to wit, 7.23 per cent, of extractive matter; and further, in that said article when shipped and delivered for shipment as aforesaid was labeled and branded so as to deceive and mislead the purchaser into the belief that it was a genuine malt extract containing 4 per cent of alcohol and 12 per cent of extractive matter, whereas, in truth and in fact, it was not a genuine malt extract containing 4 per cent of alcohol and 12 per cent of extractive matter, but was a fermented beverage made from malt, hops, and another cereal or cereal product or malt substitute containing, to wit, 7.1 per cent of alcohol by volume, and to wit, 7.23 per cent of extractive matter. Misbranding of the product considered as a drug was alleged for the reason that the statements "Genuine Malt Extract" and "Preparation of malted barley with hops," borne on the labels as aforesaid, were false and misleading because they were calculated to convey to the purchaser thereof the impression that the article was an extract of malt, when, as a matter of fact, it was not an extract of malt, but was a fermented beverage made from malt, hops, and another cereal or cereal product or malt substitute; and for the further reason that the statements, "Alcohol 4%" and "The very low percentage of alcohol contained in it (less than four per cent)," borne on the labels as aforesaid, were false and misleading because they were calculated to convey to the purchaser the impression that the article contained only 4 per cent of alcohol, whereas, in truth and in fact, it contained a much larger percentage of alcohol, to wit, 7.1 per cent by volume; and further the statement, "The large amount of nutritious extractive matter (twelve per cent)," borne on the labels as aforesaid, was false and misleading because it was calculated to convey to the purchaser thereof the impression that the article contained 12 per cent of extractive matter, whereas, in truth and in fact, it did not contain 12 per cent of extractive matter, but a much lower percentage, to wit, 7.23 per cent of extractive matter.

On June 19, 1914, a plea of nolo contendere was entered on behalf of the defendants, and the court imposed a fine of $20.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3567. Adulteration of tomato "catchup." U. S. v. 80 Cases * * * Tomato "Catchup." Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 5595. I. S. No. 6330-h. S. No. 2117.)

On February 16, 1914, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 80 cases, each containing 2 dozen bottles of tomato "catchup," remaining unsold in the original unbroken packages at Marion, Ill., alleging that the product had been shipped on or about November 20, 1913, and transported in interstate commerce from the State of Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On cases) "Grant's Brand Tomato Catchup. Prepared and Guaranteed by the Indiana Tomato Seed Co., Nabb, Ind." (On bottles) "Grant's Brand Tomato Catchup contains granulated sugar, vinegar, onions, garlic, spices, 1/10 of 1% Benzoate of soda. Prepared and guaranteed by Indiana Tomato Seed Co., Nabb, Ind., under the Food & Drugs Act, June 30, 1906. Serial No. 49515. Contains over 12 fluid ounces."

It was alleged in the libel that the product consisted in part of a filthy, decomposed vegetable substance unfit for food, in violation of section 7, paragraph 6, of said act of Congress of June 30, 1906, and was liable to seizure, condemnation, and confiscation as provided in section 10 of said act, for the reason that the cases contained a filthy, decomposed vegetable substance which rendered the article injurious to health.[1]

On June 13, 1914, the Indiana Tomato Seed Co., Nabb, Ind., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that upon payment of the costs of the proceedings the United States marshal should deliver to said claimant the cases of the product, with orders to destroy the contents of the bottles under the directions of the said United States marshal, and, further, that said claimant should be permitted after destroying the product to retain the bottles for its own use.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

[1] When this case was reported for action it was not claimed by this department that the product was injurious to health.

3568. Adulteration of tomato pulp. U. S. v. 38 Cases * * * Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5596. I. S. No. 2999-h. S. No. 2118.)

On February 16, 1914, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 38 cases of tomato pulp remaining unsold in the original unbroken packages at Galveston, Tex., alleging that the product had been shipped on or about September 2, 1913, and transported from the State of Maryland into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The shipping cases were labeled: "4 doz. Cans 10 oz. each No. 1, Roberts Bros., Big R Brand Trade Mark Tomato Pulp, Main Office Baltimore, Maryland." The retail packages were labeled: "Big R Brand Packed by Roberts Bros., Main Office, Baltimore, Md. Contents weigh 10 oz. Big R Brand Tomato Pulp Made from Pieces and Trimmings of Tomatoes."

It was alleged in the libel that the article was adulterated by being decomposed and putrid, [a condition which] makes the same deleterious[1] and may render the same injurious to health, the decomposition and consequent adulteration of the tomato pulp aforesaid being in violation of the sixth paragraph of section 7, under food, of the Food and Drugs Act of June 30, 1906.

On June 17, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, the court finding that the product by reason of its decomposed and putrid condition was unfit for human food and deleterious to human health, and it was ordered that the marshal should destroy the product by burning the same or casting it into the sea, and that the United States should have judgment against Roberts Bros., of Baltimore, Md., for all of the costs of the proceeding.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

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[1] When this case was reported for action it was not claimed by this department that the product was deleterious or injurious to health.

3569. Misbranding of malt beverage (imitation O-U-Hopp and imitation He-No). U. S. v. 3 Barrels * * * Imitation O-U-Hopp and 3 Barrels * * * Imitation He-No. Default decree of condemnation and forfeiture. Product ordered shipped outside the State of North Carolina for disposition in accordance with the law. (F. & D. No. 5597. I. S. Nos. 8012-h, 8013-h. S. No. 2120.)

On February 18, 1914, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 barrels, each containing 12 dozen retail bottles of malt beverage, the retail packages being labeled "Imitation 'O-U-Hopp,'" and 3 barrels, each containing 12 dozen retail packages of malt beverage, the retail packages being labeled "Imitation 'He-No,'" remaining unsold in the original unbroken packages at Weldon, N. C., alleging that the 3 barrels of "Imitation O-U-Hopp" had been shipped on or about February 2, 1914, and transported from the State of Virginia into the State of North Carolina, and that the 3 barrels of "Imitation He-No" had been shipped on or about January 29, 1914, and transported from the State of Virginia into the State of North Carolina, and charging misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the 3 barrels of malt beverage containing retail packages labeled "Imitation O-U-Hopp" were shipped in violation of section 8, paragraph 2, under drugs, of the Food and Drugs Act of June 30, 1906, in that each of said retail packages was labeled and recommended [branded] as "An excellent tonic, recommended for medicinal purposes, especially for nursing mothers, convalescents and victims of insomnia or nervousness," whereas, in fact and in truth, an analysis of a sample of said "Imitation O-U-Hopp" showed it to contain 3 per cent, 2 per cent [3.2 per cent] alcohol by volume, the said medicinal claims upon each of said retail packages not being accompanied by statement of amount or proportion of alcohol present, the said 3 barrels of malt beverage, the retail packages of which were labeled "Imitation O-U-Hopp," being misbranded in violation of section 8, paragraph 2, under drugs, of the Food and Drugs Act.

It was alleged that the 3 barrels of malt beverage, the retail packages of which were labeled "Imitation He-No," were misbranded in violation of section 8, first general paragraph, and paragraph 2, under food, of the Food and Drugs Act of June 30, 1906, in that each of the retail packages was labeled and recommended [branded] as "The temperance drink, a delicious and invigorating beverage," whereas, in fact and in truth, an analysis of a sample of said "Imitation He-No" showed it to be an ordinary beer containing 3 per cent alcohol by volume, the said statement on the label of each of the retail packages that the product was a "temperance drink" being false and misleading.

On August 3, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the United States marshal ship the forfeited property to the proper official in Richmond, Va., to the end that the same might be sold or otherwise disposed of as the law might direct, and that the proceeds thereof be paid into the United States District Court for the Eastern District of North Carolina or disposed of according to law.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*

3570. Adulteration of dried apples. U. S. v. 103 Sacks * * * Dried Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5598. I. S. No. 5026-h. S. No. 2121.)

On February 19, 1914, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 103 sacks, each containing approximately 70 pounds of a substance purporting to be dried apples, remaining unsold in the original unbroken packages at Evansville, Ind., alleging that the product had been shipped on January 3 and January 5, 1914, and transported from the State of Kentucky into the State of Indiana, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the product was adulterated in violation of the Food and Drugs Act and that the packages purporting to be dried apples were made of small pieces, some skin and core present, color varying, some pieces being light and some dark, and very hard and dry; excreta [1] were present on nearly every piece, and on some pieces particles of sugar were also present; two live larvæ [1] were found on the outside of every bit of said product and substance purporting to be dried apples, and excreta [1] were found on the inside of each particle of said product and substance purporting to be dried apples. It was further alleged that the product consisted in part of a filthy, decomposed, and putrid manufactured vegetable substance.

On July 2, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *February 17, 1915.*

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[1] Examination of a sample of the product by the Bureau of Chemistry of this department showed the presence of 2 live larvæ in said sample and not "on the outside of every bit," as alleged in the libel. Excreta were found on 37 per cent of the sample and not "on the inside of each particle," as alleged.

3571. Adulteration and misbranding of so-called cognac. U. S. v. 4 Cases * * * French Style Cognac. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5600. I. S. No. 2187-h. S. No. 2125.)

On February 26, 1914, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 cases, each containing 1 dozen bottles of a product purporting to be French style cognac, remaining unsold in the original unbroken packages at Hammond, Ind., alleging that the product had been shipped on or about February 11, 1913, and transported from the State of Illinois into the State of Indiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Napoleon Brand. French Style Cognac. Napoleon Brand. Bottled in the First Internal Revenue District, Chicago, Ill. Superfine Quality—Highly Recommended for Hotel, Café and Family Use."

It was alleged in the libel that by means of said mark and label the product was offered for sale as a cognac when, in fact, it was not a cognac, but consisted of about 80 per cent neutral spirits, which had been mixed and packed with and substituted for cognac, in such manner as to reduce, lower, and injuriously affect its quality and strength, and that said product was adulterated within the meaning of the act of Congress in that behalf made and provided. It was further alleged that the product bearing the statement, design, or device regarding such article or the ingredients or substances contained therein was misbranded because said statements, designs, and devices aforesaid were false and misleading and intended to deceive the purchaser, and that said product was an imitation of cognac and was offered for sale under the distinctive name of cognac, but was not cognac.

On July 2, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal, after removing and obliterating all marks, brands, and figures thereon indicating the substance contained in the containers and rebranding the same by placing thereon "Imitation brandy."

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *February 17, 1915.*

3572. Adulteration of dried apples. U. S. v. 10 Bags * * * Dried Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5601. I. S. No. 4509-h. S. No. 2126.)

On or about February 27, 1914, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a District Court, a libel for the seizure and condemnation of 10 bags, more or less, of dried apples, remaining unsold in the original unbroken packages at Washington, D. C., alleging that the product had been transported from the State of Virginia into the District of Columbia, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "A. W. Kelley & Company Commission Merchants Successors to Kelley & Chamberlin 911 La. Ave. and 912 C. St., N. W.,—Washington, D. C. E. C. Sheppard, Stuart, Va., P. O. Danbury, N. C."

Adulteration of the product was alleged in the libel for the reason that the same consisted in whole or in part of a filthy, putrid, and decomposed vegetable substance, and was covered with excreta, for which reasons the same was absolutely unfit for human consumption, and therefore adulterated.

On November 20, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *February 17, 1915.*

3573. Adulteration and misbranding of so-called vanilla extract. U. S. v. David Lowenthal. Tried to the court and a jury. Verdict of guilty. Fine, $300. (F. & D. No. 5605. I. S. Nos. 250-e, 1664-e, 3182-e.)

On June 24, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district three informations against David Lowenthal, New Rochelle, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on October 19, November 15, and November 26, 1912, from the State of New York into the State of New Jersey, of quantities of a product purporting to be vanilla extract which was adulterated and misbranded.

Analyses of samples of the product by the Bureau of Chemistry of this department showed the following results:

	Sample 1.	Sample 2.	Sample 3.
Coumarin (per cent)	0.17	0.17	0.14
Vanillin	None.	None.	None.
Lead No	0.21	0.10	0.16
Alcohol (per cent, by volume)	2.74	2.97	2.87
Methyl alcohol	None.	None.	None.
Resins	None.	None.	None.
Color	Caramel.	Caramel.	Caramel.

Adulteration of the product was alleged in the informations for the reason that a substance, to wit, an aqueous solution[1] of coumarin, artificially colored with caramel, had been mixed and packed with said article so as to reduce and lower and injuriously affect its quality and strength; further, in that a substance, to wit, an aqueous solution[1] of coumarin, artificially colored with caramel, had been substituted wholly or in part for vanilla extract which the article purported to be; and further, for the reason that the article was colored with caramel in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that the article was an imitation of vanilla extract and offered for sale under the name of vanilla extract, whereas, in truth and in fact, it was not vanilla extract, but was an aqueous solution[1] of coumarin, artificially colored with caramel.

On June 29, 1914, the defendant entered a plea of not guilty to the informations and on October 29, 1914, the case having come on for trial before the court and a jury, after the submission of evidence and arguments by counsel, the following charge was delivered to the jury by the court (Van Fleet, *J.*):

Gentlemen of the jury: Give me your attention for a few moments.

There are three informations against this defendant on trial, which have been consolidated, for your determination, and they are based upon the provisions of the so-called Food and Drugs Act of June 30, 1906. That act makes it a misdemeanor for one to ship in interstate commerce, that is, transport from one State to another, any article of food or drugs which is adulterated or misbranded. An article under that act is adulterated if any substance is substituted wholly or in part for the genuine article in its make-up. It is misbranded if it be labeled or branded so as to deceive or mislead the purchaser as to its real character.

Now, the informations are couched in four separate counts and one charges, in three several counts, the defendant with shipping from the city of New Rochelle in the State of New York to the city of Union Hill in the State of New Jersey, to one Joseph Deschner, an article designed and intended to be used as an article of food which was invoiced by the defendant as vanilla and it charges it was not in fact vanilla, but it was an adulteration of an aqueous solution of coumarin artificially colored with caramel. The second count is substantially the same, charging that the aqueous solution was artificially colored with caramel. The third count, substantially the same, charging that it was adulterated and colored with caramel. The fourth count charges that the

[1] While it was alleged in the information that "an aqueous solution of coumarin * * * had been mixed," etc., as a matter of fact alcohol was present in every case.

shipment was misbranded. The second information charges the defendant with shipping a like article from the city of New Rochelle in the State of New York to the Yonkers Bakery in the city of Keyport, in the State of New Jersey, and the first three counts are precisely similar as to their legal import and intent as the first three counts I have just explained to you, and the fourth count is of like import, relating of course to the shipment to the Yonkers Bakery. The third information charges the defendant on the date in question with shipping from the city of New Rochelle in the State of New York to the city of Perth Amboy in the State of New Jersey, consigned to the Eagle Candy Kitchen, two barrels of an article substantially and precisely the same as charged in the first information, the first three counts being charges that it was adulterated and the last count, that it was misbranded.

Now, under the course that the evidence in this case has taken and in view of the admissions that have been made by the defendant, there really is but one material question for you gentlemen to determine in order to reach a verdict in this case. It is conceded that these shipments were made; it is conceded that the article shipped was not vanilla but a substitute for it, an article made to represent vanilla extract but which was not vanilla. Now, the defense made by the defendant in each instance is that he did not violate the act because, while the article was not genuine vanilla but was a substitute for vanilla, he not only sold but distinctly labeled it, in making each shipment, as being precisely what it was.

Now, under this act, which I have sufficiently defined to you, if you believe the evidence in favor of the defendant in that regard, or if you have no reasonable doubt as to the truth of it, the defendant can not be convicted. The informations constitute in their nature criminal charges, and under the law, in order to convict one of a criminal offense it is essential, under a plea of not guilty such as has been interposed to each one of these charges, for the Government to establish the truth of these facts to your satisfaction beyond a reasonable doubt for you to return a verdict of guilty. It is not sufficient to show mere probability of guilt. The facts must establish the guilt of the defendant to a moral certainty beyond what is termed in the law a reasonable doubt. That term means substantially what its language implies. It must be a reasonable doubt, it must be a doubt resting in reason and arising upon the evidence and no mere fanciful conjecture on your part that possibly he may not be guilty. It is a statement of the case which after a fair and impartial consideration of all the evidence in the case leaves your mind in a state in which you are unable to say you feel an abiding conviction of the defendant's guilt and any proof that does not go to this extent is not proof beyond a reasonable doubt. This does not mean that the Government is bound to prove the facts that would indicate the guilt of the defendant beyond demonstration, that is, where there would be no doubt. Such proof is never required. But it must satisfy you to that degree of moral certainty which would induce you to act in the important affairs of life. If it satisfies you to that extent, then the Government is entitled to a conviction. If it does not satisfy you to that extent and there is left in your minds such a reasonable doubt as I have defined, the only thing for you to do is to give the defendant an acquittal.

The facts in a criminal case are solely for the consideration of the jury. The court has neither the province nor disposition to interfere with the determination of the facts. Its duty rests and concludes with conducting the trial and endeavoring to see that nothing but proper evidence finds its way to the jury, and when it has done that then the case rests with the jury to determine what facts have been established by the evidence. In order to determine what the facts are in a case necessarily the jury are made under the law the arbiters of the credibility of the witnesses. They are to say what evidence they will believe that has been produced on the witness stand and what they will not believe. Now the law presumes that every witness will go upon the witness stand when he is put under oath and tell the truth, but this does not mean that he will tell the truth necessarily nor does it mean that because that presumption exists the jury is bound to believe he is telling the truth. It simply means that, other things being equal, and there being nothing in the character of his testimony or his relations to the case or the other evidence in the case to cast suspicion on his testimony that the jury are not arbitrarily to say they won't believe him. That is what that presumption means, but it does not deter you from using your reason and common sense in determining how far you may believe a witness. If a witness goes on the stand and testifies to facts which do not accord with your reason and observation in the ordinary experiences and affairs of life you are not bound to believe that witness. If his testimony does not accord with your own observation and reason in the light of all the evidence in the case, then you are not required to believe the witness's statements that do not measure up to that standard.

Now, during the progress of the trial I have taken occasion to ask questions of witnesses in various instances. As I say, it is your province to pass upon the facts,

and I do not want you to get any idea from any question that I have asked a witness as to my views of the truth or falsity of the statements of the witness. It is my duty, equally with that of counsel, to endeavor to elicit the truth to lay before the jury, but it is only for that purpose. When I have thought that some statement from a witness required elucidation or should be cleared up I have frequently asked him questions but that is not to be taken as casting discredit upon his statements because no matter what I may think of the witness's credibility the obligation rests nevertheless upon you to pass upon it in reaching your verdict and you would be abdicating your function if you were to base your judgment upon what you believed to be my view as to a witness's credibility, or any fact in the case, rather than your own. You can not escape the responsibility. The facts are to be determined by you.

Now in this case if you find beyond the reasonable doubt that I have defined to you that this defendant committed the act which is charged in these various counts and under each one of these informations it will be your imperative duty, no matter what your inclinations may be, to find him guilty. On the other hand, if there rests in the minds of the jury such a reasonable doubt as I have defined, under any of these counts of these informations, it is equally your duty to find the defendant not guilty. There being three separate informations here they constitute three separate cases and there must be a verdict upon each one of these informations. The Government and the defendant are entitled under the law to have them consolidated for trial but that merely means that they are to be tried before one jury but they constitute separate offenses. Each one of these acts, if it was unlawful, constituted a separate offense and therefore must be a separate verdict under each count. When you retire to your jury room you will take with you these several informations and you will prepare a verdict in the light of the law as I have given it to you as you may find the facts to be as to each one of these informations and return it accordingly.

Mr. CONTENT. I call the attention of the court to the fact that the fourth count charges that it was sold under another name from that which it really was.

The COURT. That is true substantially.

Mr. BERGER. I ask the court to charge that the witnesses—Marshall, Shaw, and Boos—are disinterested witnesses.

The COURT. I would be invading the province of the jury to do that. They are to determine whether they are disinterested. In passing upon the credibility of the witnesses, in view of the suggestion of counsel, gentlemen, you will bear in mind that you are the sole judges as to the disinterested character of any testimony given before you here. You are to say how the witnesses happened to come here and what actuated their testimony if it was actuated by anything but the truth. That is part of your duty in passing upon the evidence.

Gentlemen of the jury: Let me suggest to you that I think it would be a convenient way in framing your verdicts to say "We find in case number 2686"—you see these are all numbered at the top—"we find in the case of the United States against David Loewenthal in case number 2686, so and so; we find in case 2685, so and so." Just designate them by the numbers and that will distinguish them.

The jury thereupon retired and after due deliberation returned into court with a verdict of guilty, and on October 30, 1914, the court imposed a fine of $100 on each information, or $300. In passing sentence the court spoke in part as follows:

I am entirely satisfied that while there is a conflict in the evidence, the jury were quite justified in finding the facts as they did. Had I been called upon to find the facts myself I would have been compelled to find the facts the same way. I do not think the evidence adduced on behalf of the defendant did away with that of the prosecution showing that it was a fraudulent manipulation. The cases involved seem to me to show a fraudulent transaction of a most contemptible character. Yet they are distinctly a violation of the act, and must be punished. It is an act of very essential value to the public health, and it can not be permitted that it be violated. The violations were so contemptible in their character, I mean in the amount, that it seems a despicable thing for a man to be engaged in that sort of business. At the same time there was nothing against him heretofore, and I will take that into consideration. Let the judgment in each one of these instances be that the defendant pay a fine in the sum of $100.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *February 17, 1915.*

3574. Adulteration and misbranding of vinegar. U. S. v. 23 Barrels * * * Apple Vinegar. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5608. I. S. Nos. 5029-h, 5047-h. S. No. 2132.)

On March 4, 1914, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 23 barrels, more or less, of a product purporting to be apple vinegar, remaining unsold in the original unbroken packages at Evansville, Ind., alleging that the product had been transported from the State of Kentucky into the State of Indiana, the shipment arriving on or about December 4, 1913, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (One end of barrel) "Old Kentucky Cider Vinegar Works. O. K. Brand. Pure Apple Vinegar—Made by Fermentation. Covington, Ky." (Other end of barrel) "Reduced to 40 grains—Guaranteed under the Food and Drugs Act, June 30, 1906. Serial No. 49547."

It was alleged in the libel that the product was less than 40 grains strength; that the purported vinegar therein was deficient in acetic acid and contained added water which had been mixed and packed with it in such a manner as to reduce the article below the declared acid strength; that water had been mixed and packed with the product so as to reduce, lower, and injuriously affect the quality and strength of the product; that water had been substituted in part for the vinegar in said product in each of the barrels, and that the product was adulterated contrary to the laws of Congress in that behalf made and provided. It was further alleged in the libel that the statements, design, and device regarding the article and the ingredients and substances contained therein were false and misleading in that it was labeled and branded so as to deceive and mislead the purchaser and that the product contained in each of the barrels was misbranded contrary to the laws of Congress made and provided in that behalf.

On July 2, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal, after removing and obliterating all marks, brands, and figures thereon, indicating the substance contained in the barrels and rebranding the same.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *February 17, 1915.*

3575. Adulteration of macaroni. U. S. v. Domenic Cini (Abruzzi Macaroni Factory). Plea of guilty. Fine, $20. (F. & D. No. 5609. I. S. No. 2757-e.)

On April 14, 1914, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Domenic Cini, trading as the Abruzzi Macaroni Factory, Philadelphia, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about January 4, 1913, from the State of Pennsylvania into the District of Columbia, of a quantity of macaroni which was adulterated. The product was labeled: (On top of box) "DC–D. M. Gatti, Washington, D. C." (On side) "Quality Extra Fine" (On opposite side) "Maccaroncelli-artificially colored" (On ends) "Maccheroni uso Napoli Italy Qualita Superiore" (Picture of figure and globe and design of medals).

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Total nitrogen (per cent)	2.00
Protein (N x 6.25) (per cent)	12.50
Ash (per cent)	0.46
Artificial color present.	

Adulteration of the product was alleged in the information for the reason that the same was an inferior macaroni made from ordinary flour and was artificially colored with a certain yellow coal-tar dye, which said dye concealed the inferiority of the article and caused the same to simulate the appearance of a superior macaroni made solely from semolina or macaroni flour.

On June 19, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of $20.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *February 17, 1915.*

3576. Misbranding of macaroni. U. S. v. 25 Wooden Boxes of Macaroni. Default decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5610. I. S. No. 9514-h. S. No. 2129.)

On March 6, 1914, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 boxes, each containing about 20 pounds of macaroni, remaining unsold in the original unbroken packages at Binghamton, N. Y., alleging that the product had been shipped and transported in interstate commerce from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Imigliori Maccheroni Sono Quelli Di Forati Napoli (scene resembling Bay of Naples, with ships, etc., and smoking volcano in background and a female figure carrying a sheaf of wheat) Fabbrica Paste Alimentari Di Pura Semola. Trade Mark"; and tags attached to said boxes labeled, "M. J. Serafino, Binghamton, N. Y."

Misbranding of the product was alleged in the libel for the reason that the label represented that the macaroni was of foreign manufacture and had been imported into the United States from the Kingdom of Italy; that said macaroni was not of foreign manufacture, nor had it been imported from the Kingdom of Italy, but it was manufactured by the Dunmore Macaroni Co., Scranton, Pa.

On August 24, 1914, no claimant having appeared for the product, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be delivered to M. J. Serafino, upon payment of the costs of the proceeding and the execution of bond in the sum of $200, in conformity with section 10 of the act.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *February 17, 1915.*

3577. Misbranding of cottonseed meal. U. S. v. Buckeye Cotton Oil Co. Tried to the court and jury. Verdict of guilty. Fine, $150. (F. & D. No. 5613. I. S. No. 24851-e.)

On April 18, 1914, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Buckeye Cotton Oil Co., a corporation, Cincinnati, Ohio, doing business at Selma, Ala., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 20, 1912, from the State of Alabama into the State of Maine, of a quantity of cottonseed meal which was misbranded. The product was labeled: "100 lbs. gross. Buckeye Prime Cottonseed Meal Manufactured by The Buckeye Cotton Oil Co. General Offices, Cincinnati, O. Guarantee Protein 38½ to 41 Per Cent, Fats 6½ to 7 Per Cent, Ammonia 7½ to 8 Per Cent, Nitrogen 6 to 6½ Per cent, Crude Fibre 10 to 12 Per Cent Shipped by Selma, Ala. Mill. Mills Located -at- Atlanta, Ga. Augusta, Ga. Macon, Ga. Birmingham, Ala. Charlotte, N. C. Selma, Ala. Jackson, Miss. Greenwood, Miss. Little Rock, Ark. Memphis, Tenn."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Moisture (per cent)	6.98
Ash (per cent)	6.16
Nitrogen (per cent)	5.62
Protein (per cent)	35.13
Nitrogen-free extract (per cent)	29.85
Fiber (per cent)	14.60
Fat (per cent)	7.29

Misbranding of the product was alleged in the information for the reason that the statement "Prime Cottonseed Meal," borne on the labels attached to the packages in which the article was shipped as aforesaid, was false and misleading, because, as a matter of fact, said article was not of the grade known to the trade and public as prime cottonseed meal, but was of a grade inferior to prime cottonseed meal; further, for the reason that the statement, "Protein 38½ to 40 [41] Per Cent," borne on the labels, was false and misleading, because, as a matter of fact, the article did not contain 38½ to 40 [41] per cent of protein as represented by the said labels, but contained a less amount of protein, to wit, 35.13 per cent; further, for the reason that the statement, "Nitrogen 6 to 6½ Per Cent," borne on the labels, was false and misleading, because, as a matter of fact, the article did not contain 6 to 6½ per cent of nitrogen, but contained a less amount, to wit, 5.62 per cent; and further, for the reason that the statement, "Crude Fibre 10 to 12 Per Cent," borne on the labels, was false and misleading, because, as a matter of fact, the article contained a greater amount of crude fiber than 10 to 12 per cent, that is to say, it contained, to wit, 14.60 per cent of crude fiber.

On November 5, 1914, the defendant company entered a plea of not guilty to the information; on November 7, 1914, the case having been tried to the court and jury, a verdict of guilty was returned by the jury, and on November 10, 1914, the court imposed a fine of $150.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *February 17, 1915.*

3578. Misbranding of olive oil. U. S. v. Jacob J. Manheimer. Plea of guilty. Fine, $15. (F. & D. No. 5617. I. S. No. 6085-e.)

On June 11, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jacob J. Manheimer, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on March 15, 1913, from the State of New York into the State of Georgia, of a quantity of olive oil which was misbranded. The shipping case was labeled: "W F 1990—12 x 1 gallon—New York." The cans were labeled: "Trade Mark (Dies of several exposition medals) One Gallon—Virgin Olive Oil—Warrick Freres—Grasse (France) Manheimer, Sole Agent for the U. S. 28 Gold St., New York."

Examination of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Can No.	Volume.	Shortage.	Can No.	Volume.	Shortage.
	Gallon.	*Per cent.*		*Gallon.*	*Per cent.*
1	0.9561	4.39	8	0.9540	4.60
2	.9479	5.21	9	.9602	3.98
3	.9581	4.19	10	.9602	3.98
4	.9700	3.00	11	.9581	4.19
5	.9561	4.39	12	.9602	3.98
6	.9474	5.26			
7	.9581	4.19	Average net volume	.9572	[1] 4.28

[1] Average.

Misbranding of the product was alleged in the information for the reason that the statement "one gallon," appearing on the labels aforesaid, regarding the article and the ingredients and substances therein contained, was false and misleading in that it indicated that each can contained 1 gallon of olive oil, whereas, in truth and in fact, each of said cans did not contain 1 gallon of olive oil but contained less than 1 gallon of olive oil. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "one gallon," thereby indicating that each of said cans contained 1 gallon of olive oil, whereas, in truth and in fact, each of said cans did not contain 1 gallon of olive oil, but contained less than 1 gallon of olive oil.

On June 16, 1914, the defendant entered a plea of guilty to the information and the court imposed a fine of $15.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *February 17, 1915.*

3579. Adulteration and misbranding of so-called grape jelly. U. S. v. 50 Cases * * * Grape Jelly. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5622. I. S. No. 3387-h. S. No. E-5.)

On March 11, 1914, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases, each containing 2 dozen glasses of a product purporting to be grape jelly, remaining unsold in the original unbroken packages at Newark, N. J., alleging that the product had been shipped on or about December 27, 1913, by the Colonial Conserve Co., Philadelphia, Pa., and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding, in violation of the Food and Drugs Act. The cases were labeled: "Invincible Brand Pure Jelly—Herman Kussey Company, Newark, N. J., Grape." The glasses were labeled: "Invincible Brand Pure Jelly—Grape—8 oz. Net. Pure cane sugar and fruit juice. Distributed by Herman Kussey Co., Newark, N. J."

It was alleged in the libel that the product purported to be pure grape jelly, whereas, in truth and in fact, it was not pure grape jelly, and was adulterated within the meaning of the act aforesaid, in that a substance, to wit, an apple product, had been mixed and packed with the so-called grape jelly, so as to reduce and lower and injuriously affect the quality and strength thereof, and, further, in that a substance, to wit, an apple product, had been substituted wholly or in part for pure grape jelly, and, further, in that the product had been mixed in a manner whereby damage and inferiority were concealed. It was further alleged in the libel that the product was labeled as aforesaid, whereas, in truth and in fact, said product was not pure grape jelly and was therefore misbranded within the meaning of this act, in that it contained an apple product and was therefore not pure grape jelly, and was an imitation of pure grape jelly and was offered for sale under the distinctive name of an article other than that of what it really was, and, further, said product was labeled or branded so as to deceive and mislead the purchaser.

On June 10, 1914, Robert J. Purdy, trading as the Colonial Conserve Co., Philadelphia, Pa., having admitted the allegations in the libel, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be released and delivered to said claimant, he having filed bond in the sum of $250, in conformity with section 10 of the act, and having paid the costs of the proceeding.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *February 17, 1915.*

3580. Adulteration of assorted soups, and pork and beans. U. S. v. 3,000 Cases, More or Less, of Assorted Soups, and Pork and Beans. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 5624. S. No. W-1.)

On or about March 13, 1914, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on March 17, 1914, an amended libel, for the seizure and condemnation of 3,000 cases, more or less, of assorted soups and pork and beans, remaining unsold in the original unbroken packages at San Francisco, Cal., alleging that the product had been shipped on or about February 20, 1914, and transported from the State of New Jersey into the State of California, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that said soups and said pork and beans consisted in whole or in part of a filthy, decomposed, and putrid animal or vegetable substance.

On May 26, 1914, Johnson and Higgins, San Francisco, Cal., claimants, having consented thereto, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *March 19, 1915.*

3581. Adulteration of catsup. U. S. v. 15 Cases or Boxes of Catsup, So-Called. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5626. I. S. No. 9513-h. S. No. E-11.)

On March 13, 1914, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 cases or boxes, each containing 2 dozen bottles of catsup, so-called, remaining unsold in the original unbroken packages at Binghamton, N. Y., alleging that the product had been shipped by the E. C. Flaccus Co., Wheeling, W. Va., and transported in interstate commerce from the State of West Virginia into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "2 Doz. Number 10 Champion Brand Catsup Pres. with 1/10 of 1 per cent Benzoate of Soda. Prep. by E. C. Flaccus Co., Wheeling, W. Va." The retail packages were labeled: "The Champion Brand (whole red tomato) Catsup Prepared from Tomatoes, Spice, Sugar, Onions, Salt, Vinegar, and Garlic. Preserved with 1/10 of 1 per cent Benzoate of Soda. The Champion Preserving Co., Wheeling, W. Va., the E. C. Flaccus Co., Proprietor (Sticker) average net weight 10 ounces."

It was alleged in the libel that the product consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance and was deleterious and injurious to health,[1] and the same was adulterated within the meaning of said act.

On August 24, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, the court finding that the product was adulterated in that it contained partly decomposed vegetable matter, and it was ordered that the same should be destroyed by the United States marshal and that libelant should receive as costs in the case the sum of $20.27, for which execution should issue to the E. C. Flaccus Co.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *March 19, 1915.*

[1] When this case was reported for action it was not claimed by this department that the product was deleterious or injurious to health.

3582. Adulteration and misbranding of black pepper. U. S. v. Roth-Homeyer Coffee Co. Plea of guilty. Fine, $1 and costs. (F. & D. No. 5631. I. S. No. 3835-e.)

On August 17, 1914, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Roth-Homeyer Coffee Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 24, 1912, from the State of Missouri into the State of Kentucky, of a quantity of black pepper which was adulterated and misbranded. The product was labeled: (On wrapper around can) "Purity Steer Brand Ground Mark Black Pepper. Guaranteed by R. H. Co. Co., etc., S. N. 3835. Roth-Homeyer Coffee Co., St. Louis, U. S. A." (On front of can) "10 pounds net weight Steer Brand Ground Trade Mark Reg. No. 69190 U. S. Pat. Office. Black Pepper. Guaranteed, etc., S. N. 3835. Roth-Homeyer Coffee Co., St. Louis, U. S. A." (Label on back same as front.) (On sides) "Roth-Homeyer Coffee Co., Importers and Jobbers of Coffees, teas and spices. Coffee roasters and spice grinders. St. Louis, U. S. A."

Examination of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Nonvolatile ether extract (per cent)	7.61
Total ash (per cent)	8.81
Ash insoluble in HCl (per cent)	2.21
Crude fiber (per cent)	18.64

Microscopical examination showed an excess of shells.

Adulteration of the product was alleged in the information for the reason that a substance inferior to black pepper, namely, pepper shells, had been mixed and packed therewith, so as to reduce and lower and injuriously affect its quality and strength and for the further reason that a substance, namely, pepper shells, had been substituted in part for the article. Misbranding was alleged for the reason that the statement "black pepper," borne on the label and package in which the article was shipped and delivered for shipment, was false and misleading because, as a matter of fact, the article did not consist wholly of black pepper as represented by said statement, but was an article composed of a mixture of black pepper and pepper shells. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser into the belief that it was an article composed entirely of black pepper, whereas, in fact and in truth, it was not composed entirely of black pepper, but contained in addition to black pepper a quantity of pepper shells.

On October 6, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $1 and costs.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *March 19, 1915.*

3583. Misbranding of Allouez mineral water. U. S. v. Allouez Mineral Spring Co. Plea of guilty. Fine, $10. (F. & D. No. 5632. I. S. Nos. 3122-e, 17098-d.)

On September 28, 1914, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Allouez Mineral Spring Co., a corporation, Green Bay, Wis., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 10, 1912, from the State of Wisconsin into the State of New York, of a quantity of Allouez mineral water which was misbranded. The product was labeled: "Sparkling saline Bottled only at the spring Carbonic artificial Allouez Mineral Water Highest awards Paris and St. Louis. Every genuine label bears the signature of Joseph P. Hoeffel, Pres't. Guaranteed by the Allouez Mineral Spring Co. Green Bay, Wis. U. S. A. Under the Food and Drugs Act, June 30, 1906, Serial No. 1274." (Separate label) "Allouez."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it contained added sodium chlorid.

Misbranding of the product was alleged in the information for the reason that the statements "Bottled only at the spring Carbonic artificial Allouez Mineral Water," borne on the labels on the bottles in which said article was shipped and delivered for shipment, as aforesaid, were false and misleading because they were calculated to mislead and deceive the purchaser into the belief that said article was genuine Allouez mineral spring water bottled in the identical condition in which it was taken from the spring with the addition only of carbonic acid gas, whereas, in truth and in fact, said water was not Allouez mineral spring water bottled in the same condition in which it was taken from the spring with the addition of carbonic acid gas, but was a mineral spring water of a different type and quality from the genuine Allouez mineral spring water, in that it contained considerably more sodium chlorid than genuine Allouez mineral spring water as such water is taken from the spring. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser into the belief that it was genuine Allouez mineral spring water, artificially carbonated, in the identical condition in which it was taken from the spring without the addition of any other ingredients, whereas, in truth and in fact, said water was not genuine Allouez mineral spring water in the identical condition in which it was taken from the spring, but was a water containing in addition to the normal ingredients of genuine Allouez mineral spring water a considerable quantity of sodium chlorid.

On October 16, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $10.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *March 19, 1915.*

3584. Adulteration of frozen egg product. U. S. v. 80 Cans of Frozen Egg Product. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5634. I. S. No. 2658-h. S. No. C-11.)

On March 17, 1914, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 80 cans approximating 1,600 pounds of frozen egg product, remaining unsold in the original unbroken packages at Detroit, Mich., alleging that the product had been shipped and transported from the State of Illinois into the State of Michigan, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it was shipped and consigned as eggs, whereas, in truth and in fact, it was a substance which consisted in whole and in part of a filthy, decomposed, and putrid animal substance, in violation of section 7 in case of foods, paragraph 6, of the Food and Drugs Act, in that said frozen egg product was a filthy and decomposed [egg product] animal substance, and was unfit and improper for use of foods [as food].

On August 3, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *March 19, 1915.*

3585. Misbranding of Swissco hair and scalp remedy. U. S. v. 80 Cases of Swissco Hair and Scalp Remedy. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5638. I. S. No. 9527-h. S. No. E-13.)

On March 21, 1914, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on March 24, 1914, an amended libel, for the seizure and condemnation of 80 cases, each containing 6 dozen cartons of Swissco hair and scalp remedy, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the product had been shipped on or about March 25, 1913, and transported from the State of Ohio into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The product was labeled: "Swissco Hair and Scalp Remedy. Contains not over 14% grain alcohol by volume. Stops falling hair, imparts color to gray or faded hair; removes dandruff, relieves scalp diseases and promotes hair growth. Rub well into the scalp night and morning. Always shake before using. Price 50 cents. Swissco Hair Remedy Company, Cincinnati, Ohio, U. S. A. Guaranteed by Swissco Hair Remedy Company under the Food and Drugs Act June 30, 1906, No. 2545."

Misbranding of the product was alleged in the libel for the reason that the labels thereon contained statements, to wit, "Hair and Scalp Remedy," forming a portion of the name of the product, "stops falling hair, imparts color to gray or faded hair; removes dandruff, relieves scalp diseases and promotes hair growth," which said words and statements were false, fraudulent, and misleading, in that the composition of said article of drug and drug product was not such as to produce the therapeutic effects claimed in said words and statements upon said labels and cartons.

On June 23, 1914, a claim and stipulation for costs having been filed by Adolph Raine, as agent of Myer and Sidney Arensberg, proprietors of the Myrtle Avenue Drug Store, Brooklyn, N. Y., and said claimant having consented to the entry of a decree, a judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released and delivered to said claimant upon payment of all costs of the proceedings and the execution of bond in the sum of $250, in conformity with section 10 of the act, conditioned, inter alia, that all circulars contained in the packages and cartons should be removed.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *March 19, 1915.*

3586. Misbranding of "cod liver oil with syrup of tar." U. S. v. 6 Cases * * * "Cod Liver Oil with Syrup of Tar." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5639. I. S. No. 2648-h. S. No. 2123.)

On March 20, 1914, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 cases, more or less, of cod liver oil with sirup of tar, remaining unsold in the original unbroken packages at Cleveland, Ohio, alleging that the product had been shipped on or about January 7, 1914, and transported from the State of Maryland into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The cases were labeled: "Cod Liver Oil with Syrup of Tar." The retail units were labeled: "Cod Liver Oil with Syrup of Tar—This is a combination of the active principles of Cod Liver Oil, Tar and other remedies used by the best Doctors everywhere to cure Catarrh, Coughs, Colds, Bronchitis, Tonsilitis, Asthma, Croup, Scarlet Fever and Whooping Cough. Directions Etc.—This Syrup will check Croup, Diphtheria and Scarlet Fever—All of these diseases begin with a high fever and hard breathing—Prepared for Wm. Emrich, Pharmacist, Junction of Broadway & Woodland Ave., Cleveland, Ohio. Each ounce of this preparation contains Alcohol ½ per cent, Chloroform, min., Opium ⅛ grain, Cannabis Indica ¼ grain, Morphine Sulphate $\frac{1}{40}$ grain." Each bottle bore similar inscriptions and directions in French. The cartons were labeled: "Emrich's Compound Syrup of Cod Liver Oil Extract with Tar—" (On side of label) "Each ounce of this preparation contains, in addition to Extract of Cod Liver Oil, Alcohol 2 per cent, Chloroform 3 min., Opium ⅛ gr., Cannabis Indica ¼ gr., Morphine Sulph. $\frac{1}{40}$ gr., in addition to Syrup Squills, Ipecac, Bloodroot, Tar, Wild Cherry, Spikenard, Tolu, Menthol and other valuable Expectorants and Stimulants—Cod Liver Oil and Tar combined are the best germ destroyers in pulmonary diseases and the therapeutic agents preferably used by medical specialists. They relieve Colds, Bronchitis, Pulmonary Disorders, Croup and Coughs of all kinds—They also relieve Asthma. Guaranteed under the Food & Drugs Act, June 30, 1906, Serial Number 2687." Each carton also bore a pictorial representation of a cod fish and additional inscriptions in French.

Misbranding of the product was alleged in the libel for the reason that the statements on the labels were false, misleading, and fraudulent, in that no ingredient or ingredients in said preparation were capable of producing the therapeutic effects claimed for it in said statements, and in that the principal parts of the label and carton were so constructed as to create the belief that cod liver oil extract and sirup of tar were the leading ingredients, when in fact such was not the case.

On July 30, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *March 19, 1915.*

3587. Misbranding of cottonseed meal. U. S. v. Roberts Cotton Oil Co. Plea of guilty. Fine, $10 and costs. (F. & D. No. 5640. I. S. No. 27819-e.)

On June 16, 1914, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Roberts Cotton Oil Co., a corporation, Cairo, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on October 23, 1912, from the State of Illinois into the State of Indiana, of a quantity of cottonseed meal which was misbranded.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results: Moisture, 8.11 per cent; ether extract, 6.7 per cent; protein, 37.38 per cent.

It was alleged in the information that the product was misbranded so as to deceive and mislead the purchaser thereof by having on the sacks containing the article of food the words and figures following, to wit, "100 Pounds, National Feed Company, of St. Louis, Mo., Guarantees this Cottonseed Meal to contain not less than 7.5 per cent of crude fat 41.0 per cent of crude protein and to be compounded from the following ingredients: Cottonseed Product. * * * ," whereas, in truth and in fact, the said article of food did not contain 41 per cent of crude protein, and did not contain 7.5 per cent of crude fat, but, on the contrary, said article of food contained only 37.38 per cent crude protein, and contained only 6.7 per cent of crude fat. It was further alleged in the information that the article was misbranded by bearing and having on each of the sacks containing the same a false and misleading statement regarding the ingredients and substances contained within said sacks, which said statement on each of said sacks was in the words and figures and of the tenor aforesaid, whereas, in truth and in fact, the said article of food did not contain 41 per cent of crude protein and 7.5 per cent of crude fat, but, on the contrary, said article of food contained only 37.38 per cent of crude protein and 6.7 per cent of crude fat.

On November 30, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $10 and costs.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *March 19, 1915.*

3588. Adulteration of tomato ketchup. U. S. v. Knadler & Lucas. Plea of guilty. Fine, $25 and costs. (F. & D. No. 5641. I. S. No. 9184-e.)

On May 2, 1914, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Knadler & Lucas, a corporation, Louisville, Ky., alleging the shipment by said company, in violation of the Food and Drugs Act, on or about April 30, 1913, from the State of Kentucky into the State of West Virginia, of a quantity of tomato ketchup which was adulterated. The product was labeled: "Admiral Brand Tomato Ketchup Contains 8 fluid oz. Prepared with 1/10 of 1% Benzoate Sodium Knadler & Lucas Incorporated Louisville, Ky." (On cardboard shipping container) "2 doz. 8 oz. Admiral Brand Ketchup Packed by Knadler & Lucas Inc. Louisville, Ky., USA."

Examination of a sample of the product by the Bureau of Chemistry of this department showed: Mold filaments, present in about 28 per cent of all microscopic fields examined; yeasts and spores, about 200 per 1/60 cmm.; and bacteria, about 250,000,000 per cc.

Adulteration of the product was alleged in the information for the reason that it consisted in part of a decomposed vegetable substance.

On September 18, 1914, the defendant company entered a plea of guilty to the information and the court imposed a fine of $25 and costs.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *March 19, 1915.*

3589. Misbranding of Swissco hair and scalp remedy. U. S. v. 50 Cases * * * Swissco Hair and Scalp Remedy. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5642. I. S. No. 9526-h. S. No. E-12.)

On March 23, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases, each containing 3 dozen packages of Swissco hair and scalp remedy, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about November 11, 1913, and transported from the State of Ohio into the State of New York, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On shipping containers) "3 doz. $1.00 size Swissco Hair and Scalp Remedy Guar. by S.H.R.Co., under the F. and D. Act, June 30, 1906, Serial No. 2545, Swissco Hair Remedy Co., Cincinnati, Ohio." (On carton) "Swissco Hair and Scalp Remedy. Contains not over 14 per cent Alcohol. Stops Falling Hair, Imparts Color to Gray or Faded Hair, Removes Dandruff, Relieves Scalp Diseases, and Promotes Hair Growth. Rub Well into the Scalp Night and Morning. Always Shake before using. Price $1.00. Swissco Hair Remedy Co., Cincinnati, Ohio, U. S. A. Guaranteed by Swissco Hair Remedy Co., under Food and Drugs Act June 30, 1906. No. 2545."

Misbranding of the product was alleged in the libel for the reason that the labels on the bottles bore a statement regarding the article and the ingredients and substances contained therein which was false and misleading, to wit: "Stops falling hair, removes dandruff, relieves scalp diseases, and promotes hair growth;" further, in that the labels on the bottles and the circulars encased [inclosed] in the cartons bore and contained statements regarding the curative and therapeutic effect of said article and the ingredients and substances contained therein which were false and fraudulent, which statements were as follows: (a) (In pink circular accompanying package) "Swissco Hair and Scalp Remedy consists almost exclusively of concentrated food for the hair itself. This food is carried in solution in a nourishing tonic liquid, which is penetrating in nature and which brings it in direct contact with the follicles themselves. This famous remedy embodies a vital principle in the treatment of the hair and scalp. It is real hair food. Remember Swissco Hair and Scalp Remedy is a harmless hair food. Swissco Hair and Scalp Remedy contains in condensed form the elements which are essential to hair health. It not only acts as a tonic but at the same time feeds the weakened and starved hair roots and follicles and sends life and vigor coursing to the fartherest extremity of every hair in the head. It matters not if the scalp be bald as the proverbial egg, if the slightest spark of vitality smoulders in the hair follicles they can be quickened from their apparent deadness and new hair should grow luxuriantly and abundantly. Relieves scalp diseases; in cases of scalp disease, Swissco Hair and Scalp Remedy will be found invaluable, as it contains elements which are antagonistic to parasites, bacteria and germs of all kinds, and utterly destroys them wherever applied, thus allowing the scalp to return to its usual health." (b) (In white circular accompanying package) "Here is positive proof that Swissco stops hair falling, makes the hair grow out on the baldest heads, restores the hair to youthful vigor, brings back the natural color to gray or faded hair, and stops dandruff and other scalp trouble. By invigorating the nerves about the hair follicles, the formation of coloring matter may be again stimulated into activity. Swissco puts new vigor into the hair roots and into the hair itself, giving back to it strength and the fluffiness possessed by healthy hair. Swissco acts directly upon the roots of the hair stimulating them into activity and invigorating them so that the hair bulbs may regain their youthful vigor, so that the formation of hair may be once more put into steady operation. If there is any life at all in the roots, Swissco should bring it out into full activity and force the hair to grow out."

On June 22, 1914, a claim and stipulation for costs having been filed by Adolph Raine, intervening as agent for the M. N. Cossenas Selling Agency, New York, N. Y., claimant, and the said claimant having duly consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of all costs of the proceedings and the execution and delivery by said claimant of a good and sufficient bond in the penalty of $250, in conformity with section 10 of the act, one of the conditions of the bond being that the product should be relabeled, and further conditioned that all circulars contained in the packages and cartons be removed.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *March 19, 1915.*

3590. Adulteration of beans. U. S. v. 200 Bags of Cull Beans, More or Less. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5643. I. S. Nos. 4514-h, 4516-h. S. No. E-14.)

On March 20, 1914, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 bags of cull beans, more or less, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the product had been transported from the State of Michigan into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the product was adulterated because it consisted of a filthy, putrid, and decomposed vegetable substance, to wit, decomposed beans.

On July 14, 1914, Clair H. Barrett, claimant, Detroit, Mich., having filed his answer admitting the allegations in the libel as to the adulteration of the beans, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of all the costs of the proceedings and the execution of bond in the sum of $300, in conformity with section 10 of the act.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *February 19, 1915.*

3591. Adulteration of canned peas. U. S. v. 5 Cases of Canned Peas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5646. I. S. No. 9602-h. S. No. C-14.)

On March 25, 1914, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases, each containing 100 cans of peas, remaining unsold in the original unbroken packages at Racine, Wis., alleging that the product had been shipped on or about December 17, 1913, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Societe De Produits Alimentaires-Lazeran-Brillat Brand Fine Peas-Malines Belgium. Colored with sulphate of copper contents 14 oz." (Shipping containers) "L. A. F. 250–New York–100/2 Tins Fine Peas." "Conserves Alimentaires-Brillat Brand–Malines Belgium."

Adulteration of the product was alleged in the libel for the reason that there was added a certain poisonous and other deleterious ingredients consisting more particularly of 90 parts of copper per million parts of drained peas to said food product so contained in said cans as aforesaid; and that said added poisonous and deleterious ingredients rendered such food product injurious to health.

On October 1, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *February 19, 1915.*

3592. Adulteration of lemon extract. U. S. v. 10 Gallons * * * Lemon Extract. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5647. I. S. No. 5048-h. S. No. C-13.)

On March 28, 1914, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 gallons, more or less, of a product purporting to be "1 oz. lemon" extract, remaining unsold in the original unbroken packages at Indianapolis, Ind., alleging that the product had been shipped and transported in interstate commerce from the State of Illinois into the State of Indiana, the shipment having been received on or about October 10, 1913, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the product was sold as 10 gallons standard "1 oz. lemon" extract; that the representation under which said product was sold proclaimed it to be a lemon extract, when, in fact, it consisted of a dilute solution of alcohol containing little or no lemon oil, which had been mixed or packed with it or substituted for lemon extract in such a manner as to reduce, lower, and injuriously affect its quality and strength, and that said product was adulterated in violation of the laws of Congress in that behalf made and provided.

On July 2, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal, after the removal and obliteration of all marks, brands, and figures thereon, indicating the substance contained in the containers, and the rebranding of the same.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *February 19, 1915.*

3593. Adulteration of frozen egg product. U. S. v. 30 Tubs and 70 Cans of Frozen Egg Product. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5649. I. S. No. 2658-h. S. No. C-15.)

On March 28, 1914, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 tubes [tubs] and 70 cans of frozen egg product, approximating 3,000 pounds, remaining unsold in the original unbroken packages at Detroit, Mich., alleging that the product had been shipped from the State of Illinois into the State of Michigan, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the product was shipped and consigned as frozen eggs, whereas, in truth and in fact, it was a substance which consisted in whole and in part of a filthy, decomposed, and putrid animal substance, in violation of section 7 in the case of foods, paragraph 6, of the Food and Drugs Act.

On August 3, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *February 19, 1915.*

3594. Misbranding of feed. U. S. v. 200 Bags * * * Feed. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5652. I. S. No. 9525-h. S. No. E-15.)

On March 30, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 bags, each containing 100 pounds of feed, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about November 15, 1913, and transported from the State of Illinois into the State of New York, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "100 Lbs. 15 to 16% Protein, 3% Fat, 12% Fibre, 45% Carbohydrates U. S. Sugared Feed United States Sugar Feed Company, Distributors, Milwaukee, Wisconsin U. S. A."

It was alleged in the libel that the product was misbranded in violation of section 8, first general paragraph and paragraph 2 under the title of food, of said act, in that said product contained less protein, less fat, and more fiber than was announced upon the labels.

On May 11, 1914, the Warwick Grange Cooperative Association, Wisner, N. Y., claimant, having consented to a decree and filed a stipulation for costs, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of all the costs of the proceeding and the execution of bond in the sum of $500, in conformity with section 10 of the act.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *February 19, 1915.*

3595. Misbranding of cottonseed meal. U. S. v. Southwestern Cotton Oil Co. Plea of guilty. Fine, $50. (F. & D. No. 5656. I. S. No. 6732-e.)

On September 4, 1914, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Southwestern Cotton Oil Co., a corporation, Oklahoma City, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 11, 1913, from the State of Oklahoma into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The product was labeled: (On tag) "Prime Cotton Seed Meal. 100 lbs. Gross 99½ lbs. net Southwestern Cotton Oil Co., Oklahoma City. Guaranteed Analysis Protein 39%, Crude Fiber 10½%, Crude Fat 7%, Nitrogen Free Extract 18%. No. 27435 E. H. 100 Pounds Net Weight. Perry Henessy, Secretary, G. F. Bryan President. This is to certify that all charges specified by House Bill No. 294. 'An Act Regulating the sale of concentrated commercial feeding stuffs' have been paid. Oklahoma State Board of Agriculture."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Moisture (per cent)	8.17
Ether extract (per cent)	6.69
Crude fiber (per cent)	15.58
Protein (per cent)	34.75

Misbranding of the product was alleged in the information for the reason that the statement "Protein 39%," borne on the label attached to the package in which the product was shipped and delivered for shipment, was false and misleading, because, as a matter of fact, the article did not contain protein 39 per cent, as represented by said label, but contained a less amount of protein, to wit, 34.75 per cent; further, in that the statement "Crude Fiber 10½%," borne on the labels, was false and misleading, because, as a matter of fact, the article contained more than 10½ per cent crude fiber, as represented by said labels, to wit, 15.58 per cent; further, in that the statement "Prime Cotton Seed Meal," borne on the labels, was false and misleading, because, as a matter of fact, the article was not of the grade known to the trade and public as "prime cottonseed meal," but was a grade of cottonseed meal inferior in quality to the grade known as "prime cottonseed meal."

On September 14, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *February 19, 1915.*

3596. Adulteration of tomato conserve. U. S. v. 5 Cases of Tomato Conserve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5657. I. S. No. 6438-h. S. No. E-18.)

On April 2, 1914, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel for the seizure and condemnation of 5 cases, each containing 60 five-pound tins of tomato conserve, remaining unsold in the original unbroken packages at Savannah, Ga., alleging that the product had been shipped on or about March 12, 1914, and transported from the State of Pennsylvania into the State of Georgia and charging adulteration in violation of the Food and Drugs Act. The retail packages were labeled: "Tomato Conserve—Conserva Di Tomate Rossa" (Picture of a whole ripe tomato) (Directions in Italian.) "Directions—For one pound of macaroni, use one teaspoonful dissolved in water. Add the same quantity for each pound macaroni. The same is used for Roast Meats, Stews, etc., etc. It flavors the meat and gives it a nice coloring. Packed by Coroneos Bros. Philadelphia, Pa. C. B. Greek Flag Trade Mark Brand Packed according to the Pure Food Law."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance, and for the further reason that it contained sand, mixed with the tomatoes.

On May 30, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *February 19, 1915.*

3597. Adulteration of so-called oil of wintergreen. U. S. v. 7 Cans * * * of Oil of Wintergreen. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5658. I. S. No. 2659-h. S. No. C-17.)

On April 2, 1914, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 cans containing approximately 569 pounds, more or less, of a product purporting to be oil of wintergreen, remaining unsold in the original unbroken packages at Kalamazoo, Mich., alleging that the product had been lately shipped and transported in interstate commerce from the State of North Carolina into the State of Michigan, the shipment being received on or about March 18, 1914, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted wholly or in part of methyl salicylate [not characteristic of wintergreen leaf oil], which said methyl salicylate had been substituted for wintergreen leaf oil, of which there was only a trace, in such manner as to reduce and lower the quality and strength of said article.

On June 24, 1914, V. B. Bowers, Spruce Pine, N. C., claimant, having admitted, for the purposes of this case only, the allegations in the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it appearing that said claimant had paid the cost of the proceedings and executed bond in the sum of $500, in conformity with section 10 of the act, it was ordered by the court that the product should be delivered to said claimant.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *February 19, 1915.*

3598. Adulteration of tomato paste and tomato conserve. U. S. v. 1 Case of Tomato Paste and 5 Cases of Tomato Conserve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5659. I. S. Nos. 6439-h, 6440-h. S. No. E-19.)

On April 2, 1914, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 case containing 24 five-pound cans of tomato paste, 4 cases each containing 20 five-pound cans of tomato conserve, and 1 case containing 100 one-pound cans of tomato conserve, remaining unsold in the original unbroken packages at Savannah, Ga., alleging that the product had been shipped on or about March 16, 1914, and transported from the State of New York into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act. The tomato paste was labeled: "Parma Brand Conserva Di Pomidoro Tomato Paste. This is the first concentrated tomato paste made in America. It is manufactured with the latest improved machinery under the strictest sanitary conditions and by men of long experience from Parma, Italy. It is made from the best selected ripe Jersey tomatoes and is guaranteed to be free from any color or chemical substance. It is found very convenient for preparing spaghetti, rice, meats, or any dish requiring tomatoes and is a delicious flavoring and coloring for soups and sauces. Used by all first class hotels and restaurants. Best in the world. Parma, Luigi Vecchi, Inc., New-York. Factory, Hazlet, N. J. Contents 15 oz. net. Guaranteed by Luigi Vecchi, Inc., under the Food and Drug Act, June 30, 1906, Serial No. 44720." The tomato conserve was labeled: "Conserva Di Tomate—Packed by our special process Rossa Guaranteed by American Conserve Co., Under the Food and Drug Act, June 30, 1906. Serial No. 9270." (Picture of whole ripe tomato) "Contains 1–10 of 1% of Benzoate of Soda and 15% of Salt. Marca Registrata This can contains 15 oz. net weight. Tomato Conserve—American Conserve Co., New York. Directions—For one pound of macaroni use one teaspoonful dissolved in water. Add the same quantity for each pound of macaroni. The same is used for Roast Meats, Stews, etc., etc. It flavors the meat and gives a nice coloring." (Directions in Italian.)

Adulteration of the product was alleged in the libel for the reason that said product and contents of said cans consisted in part of a decomposed vegetable substance.

On May 30, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *February 19, 1915.*

3599. Misbranding of so-called extra fancy rice. U. S. v. 18 Sacks of Rice. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5660. I. S. No. 8035-h. S. No. E-17.)

On April 4, 1914, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 18 sacks, each containing 100 pounds of rice, remaining unsold in the original unbroken packages at Goldsboro, N. C., alleging that the product had been shipped on October 8, 1913, and transported from the State of Louisiana into the State of North Carolina, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Extra Fancy Rice—2650—100 pounds—Domestic Honduras—Grown in United States—Coated with glucose and talc—Remove by washing before using."

It was alleged in the libel that the product was misbranded in violation of section 8, first general paragraph, and the second paragraph, under food, of the Food and Drugs Act of June 30, 1906, in that each of said sacks was labeled and recommended [branded] as "Extra Fancy Rice," whereas, in fact and in truth, it was a very inferior grade of rice, containing 36 per cent of whole grains and apparently a mixture of lower grades, and some fancy head rice, and was not of such quality as to entitle it to the label "Extra Fancy Rice."

On August 3, 1914, A. Oettinger, Goldsboro, N. C., claimant, having admitted the allegations in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the execution of bond in the sum of $200, in conformity with section 10 of the act.

D. F Houston, *Secretary of Agriculture.*

Washington, D. C., *February 19, 1915.*

3600. Misbranding of cottonseed meal. U. S. v. Madison Cotton Oil Co. Plea of guilty. Fine, $25 and costs. (F. & D. No. 5661. I. S. No. 27811-e.)

At a stated term of the District Court of the United States within and for the Western District of Tennessee, the United States attorney for the said district, acting upon a report by the Secretary of Agriculture, filed in said District Court an information against the Madison Cotton Oil Co., a corporation of Jackson, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 28, 1912, from the State of Tennessee into the State of Indiana, of a quantity of cottonseed meal which was misbranded. The product was labeled: (On tag) "Imperial Cotto Brand—Choice Cotton Seed Meal 100 lbs.

Guaranteed Analysis:	Not less than
Ammonia	8.00%
Nitrogen	6.50%
Protein	41.00%
Crude Fat	9.00%
Crude Fibre (Maximum)	9.00%

Imperial Cotto Milling Company Memphis, Tenn."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Moisture (per cent)	6.64
Ether extract (per cent)	8.20
Protein (per cent)	34.75
Nitrogen (per cent)	5.56
Ammonia (per cent)	6.76
Crude fiber (per cent)	16.03

Misbranding of the product was alleged in the information for the reason that the statement borne on the tags thereof, to wit, "Ammonia not less than 8.00%," was false and misleading in that it purported and represented said article to contain not less than 8.00 per cent of ammonia, whereas, in truth and in fact, said article did not contain 8.00 per cent of ammonia as represented by said tags, but contained a less amount, to wit, 6.76 per cent. Misbranding was alleged for the further reason that the statement borne on the tags, to wit, "Nitrogen not less than 6.50%," was false and misleading in that it purported and represented said article to contain not less than 6.50 per cent of nitrogen, whereas, in truth and in fact, said article did not contain 6.50 per cent of nitrogen as represented by said tags, but contained a less amount, to wit, 5.56 per cent. Misbranding was alleged for the further reason that the statment borne on the tags, to wit, "Protein not less than 41.00%," was false and misleading in that it purported and represented said article to contain not less than 41.00 per cent of protein, whereas, in truth and in fact, said article did not contain 41.00 per cent of protein as represented by said tags, but contained a less amount, to wit, 34.75 per cent. Misbranding was alleged for the further reason that the statement borne on the tags, to wit, "Crude Fat not less than 9.00%," was false and misleading in that it purported and represented said article to contain not less than 9.00 per cent of crude fat, whereas, in truth and in fact, said article did not contain 9.00 per cent of crude fat as represented by said tags, but contained a less amount, to wit, 8.20 per cent. Misbranding was alleged for the further reason that the statement borne on the tags, to wit, "Crude Fibre (Maximum) not less than 9.00%," was false and misleading in that it purported and represented that said article did not contain more than 9.00 per cent of crude fiber, whereas, in truth and in fact, said article did contain more than 9.00 per cent of crude fiber, to wit, 16.03 per cent. Misbranding was alleged for the further reason that the statement borne on the tags thereof, to wit, "Choice Cotton Seed Meal," was false and misleading in that it purported and represented that said article was a grade of cotton-

seed meal known to the trade and public as choice cottonseed meal, whereas, in truth and in fact, it was not a choice cottonseed meal, but was a grade of cottonseed meal inferior to the grade known as choice cottonseed meal.

On October 28, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 23, 1915.*

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